

**Subject: HEAP Cooling Assistance 2017**

**Dear Community Leader,**

**Home Energy Assistance Program- Cooling Assistance, is available beginning May 1, 2017.** The program will close on August 31, 2017, or earlier, if funding is exhausted.

- Eligible Households will receive installation of one (1) window Air Conditioner, or a portable AC unit, if installation of a window unit is not feasible.

All HEAP components are federally funded. The funding is limited and cooling assistance is provided on a first come, first served basis.

**Eligibility Requirements:**

**Income:**

- Households must have received a 2016-17 HEAP benefit OR
- Have income which does not exceed the 2016-17 maximum HEAP guidelines

**Medical Need:**

- At least one member of the household must have a medical condition exacerbated by extreme heat. The medical condition must be clearly stated, documented in writing by a Physician, Physician's Assistant or Nurse Practitioner, and be dated within the last 12 months. Documentation older than 12 months may be used, if it provides sufficient information to indicate the medical condition is considered chronic.

**Households that received HEAP cooling assistance within the last 10 years, or Households with a working AC unit that is less than five years old, are not eligible.**

**Households that have heating costs included in rent, and rent is subsidized (Section 8, Belmont, HUD, etc.), are not eligible.**

**How to Apply:**

Starting 5/1/17, clients may apply at the HEAP office at 291 Pearl Street, Buffalo, 8am-4pm.

**HEAP will also accept applications by mail.** Clients may call the HEAP Application Request line at 858-1969 for an application packet. Applications will be mailed beginning 5/1/17.

Applicants will be provided a list of qualified contractors in our area who have a contract with NYS to install AC units. HEAP will notify the chosen vendor of program eligibility. The vendor will then contact the client to set up an appointment.

**The HEAP Hotline 858-7644 is available to provide information about:**

- Cooling Assistance
- Other programs available to assist with heat and electricity costs, or furnace repair, when HEAP benefits are closed for season
- Weatherization Assistance Program, and EmPower NY referral
- Questions about HEAP applications submitted during the season
- Information about the 2017-18 HEAP season. HEAP "early outreach" mail out of applications for 2017-18 season, to select households, is expected to commence in the Fall. HEAP Auto pay process for 2017-18, for households in receipt of TA or SNAP, is expected to commence in September.

Thank you for your commitment to helping eligible households in Erie County obtain critical HEAP assistance. We value your partnership.

**Jane Filipski**  
**Energy Programs Coordinator**

Erie County Home Energy Assistance Program

*The Home Energy Assistance Program is federally funded and designed to assist eligible households with home heating costs and energy conservation. HEAP program components include benefit assistance for energy bills, furnace repair or replacement, weatherization and energy conservation repairs referral, and cooling assistance (in summer months; based on medical necessity).*

--  
**Randolf Machelor** | Energy Crisis Assistance Worker #3  
Erie County | Department of Social Services  
478 Main St., Room 100 | Buffalo, NY 14202  
P:(716) 858-6955 | F:(716) 858-6765  
[Randolf.Machelor@erie.gov](mailto:Randolf.Machelor@erie.gov) | <http://www.erie.gov>

The Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

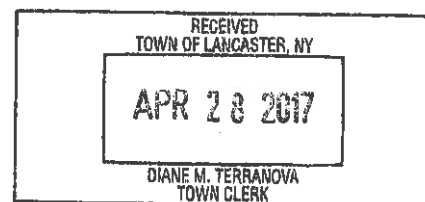
Respectfully, I submit my report for the month(s) of March, 2017

Summary:

42 Complaints or calls received  
0 Euthanasias  
7 Redeemed by owner  
2 Strays seized  
0 Dead dogs disposed of  
2 Court actions  
13 Follow-ups (Delinquent licenses)  
50 Miles patrolled and driven  
7 Total dogs picked up

Respectfully yours,

*Ram Bouranag*  
Dog Control Officer





DIANE M. TERRANOVA  
Town Clerk

# Town of Lancaster

21 CENTRAL AVENUE  
LANCASTER, NEW YORK 14086  
WWW.LANCASTERNY.GOV

294

CLERK'S OFFICE  
PHONE: (716) 683-9028  
FAX: (716) 683-2094

TAX OFFICE  
PHONE: (716) 683-1328  
FAX: (716) 681-7059

TO: Bryan Hopkins  
David Fulciniti  
Philip Tonsoline  
Daniel/Lynne Konst  
Charles Freidmann  
Kathleen Wickett  
Town of Lancaster ✓

Adam Metz  
Linda Ballard  
Foreststream Village, Inc.  
Michelle Killian  
Jason Graces  
Josela Enterprises, Inc.

*TC FOR COMM*

DATE: April 24, 2017

*DM*

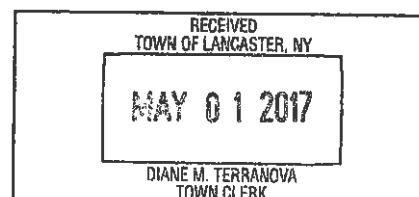
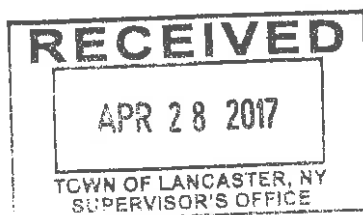
RE: Variance Application-  
3 Streamview Lane

Enclosed with each of your respective memorandums is a copy of a legal notice for a variance petition submitted to the Zoning Board of Appeals of the Town of Lancaster by Scott and Gayle Dalton..

Since you are the owner of record of property within 100 feet of the requested variance, I am providing you notice of the hearing to be held by the Zoning Board of Appeals. This case will be heard in the Town Board Chambers of the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on Thursday, May 11, 2017 at 7:00pm.

Persons wishing to address the Zoning Board of Appeals on this matter will be allowed to do so at this time. Written comments may be mailed to the Zoning Board of Appeals in care of the Town Clerk prior to the scheduled hearing. Anyone wishing to review the application and file may do so during normal business hours.

Encl.: Legal Notice



Publish Once  
May 4, 2017

**NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN of a Meeting of the Zoning Board of Appeals of the Town of Lancaster to be held Thursday, May 11, 2017 at 7:00 P.M., Local Time, in the Town Board Chambers, in the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York. The items for consideration by the Zoning Board of Appeals at this meeting are:

1. The petition of Ivan Ereiz, 66 Tranquility Trail, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a four [4] foot, six [6] inch high fence in a required front yard area on premises owned by the petitioner at 66 Tranquility Trail, Lancaster, New York 14086, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting in Tranquility Trail with an exterior side yard [considered a front yard equivalent] fronting on Darien Court. The petitioner proposes to erect a four [4] foot, six [6] inch high fence within the required open space area of the exterior side yard fronting on Darien Court.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [consider a front yard equivalent] to three [3] feet in height. The petitioner, therefore, requests a one [1] foot six [6] inch fence height variance.

2. The petition of John Bierl, Managing Member, Custom Builders of Western New York, 1036 Rice Road, Elma, New York, for a variance for the purpose of constructing a single family residence located on premises owned by Eric and Emily Rosier, 965 Wehrle Drive, Amherst, New York, at 0 William Kidder Road, Lancaster, New York, and further identified on the tax maps as Section Block Lot number 117.00-2-68.211, to wit:

A variance from the requirements of Chapter 50, Section 32 of the Code of the Town of Lancaster. The proposed single family residence will result in a sixty [60] foot front yard setback from the centerline of Town Line Road, Lancaster, New York.

Chapter 50, Section 32 of the Code of the Town of Lancaster requires a ninety [90] foot front yard setback. The petitioner therefore, requests a thirty [30] foot front yard setback variance.

3. The petition of Scott Pezdek, 577 Ransom Road, Lancaster, New York for two [2] variances for the purpose of constructing a 1,152 square foot pole barn on premises owned by the petitioner at 577 Ransom Road, Lancaster New York, to wit:

A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,152 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore requests a 402 square foot accessory use area variance.

B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster. The proposed location of the pole barn will result in a ten [10] foot side property line set back.

Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster requires a fifteen [15] foot set back from any property line. The petitioner, therefore, requests a five [5] foot property line set back variance.

4. The petition of Daniel DePetrocellis, 2 Wendtworth Court, Lancaster, New York, 14086 for one variance for the purpose of erecting a six [6] foot high fence in a required front yard area on premises owned by the petitioner at 2 Wendtworth Court, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50 Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Wendtworth Court with an exterior side yard [considered a front yard equivalent] fronting on Newberry Lane. The petitioner proposes to erect a six [6] foot high fence within the required open space area of the exterior side yard fronting on Newberry Lane.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioner, therefore, requests a three [3] foot fence height variance.

5. The petition of Scott and Gayle Dalton, 3 Streamview Lane, Lancaster, New York, 14086 for one [1] variance for the purpose of constructing a covered front porch to the dwelling on premises owned by the petitioners at 3 Streamview Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster. The proposed covered front porch would result in a front yard setback of 30.63 feet.

Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster requires a thirty five [35] foot front yard setback. The petitioners, therefore, request a 4.37 foot front yard setback variance.

6. The petition of Matthew Garis, 8 Parkedge Drive, Lancaster, New York, 14086 for one [1] variance for the purpose for allowing a shed to remain as currently positioned on premises owned by the petitioner at 8 Parkedge Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(1)(a) of the Code of the Town of Lancaster. The storage shed is positioned three and a half [3.5] feet from the existing dwelling.

Chapter 50, Zoning, Section 9D.(1)(a) of the Code of the Town of Lancaster requires accessory structures to be located at least ten [10] feet from another structure. The petitioner, therefore, requests a six and a half [6.5] foot variance.

7. The petition of Eric Prescott, 11 Magrum Lane, Lancaster, New York, 14086 for one variance for the purpose of erecting a four [4] foot high fence in a required front yard area on premises owned by the petitioner at 11 Magrum Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50 Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a lot fronting on Magrum Lane with an exterior yard [considered a front yard equivalent] fronting on Juniper Boulevard. The petitioner proposes to erect a four [4] foot high fence within the required open space area fronting on Juniper Boulevard.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into an exterior yard [considered a front yard equivalent] to three [3] feet in height. The petitioner, therefore, requests a one [1] foot fence height variance.

8. The petition of Eric Van Kuren, 399 Seneca Place, Lancaster, New York, 14086 for one variance for the purpose of erecting a four [4] foot high fence in a required front yard area on premises owned by the petitioner at 399 Seneca Place, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50 Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Seneca Place with an exterior side yard [considered a front yard equivalent] fronting on Newberry Lane. The petitioner proposes to erect a four [4] foot high fence within the required open space area of the exterior side yard fronting on Newberry Lane.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioner, therefore, requests a one [1] foot fence height variance.

Signed



DIANE M. TERRANOVA, TOWN CLERK and Clerk to Zoning  
Board of Appeals

# ACCADIA SITE CONTRACTING, INC.

5636 Transit Road • Depew, NY 14043 • 716-681-7944 Fax 716-681-9761

Site • Utility and Highway Contractors

295

April 25, 2017

Town Board of Lancaster  
21 Central Ave.  
Lancaster, New York 14086

Re: 31 Peppermint Road  
Stockpiling of Stone

Dear Town Board,

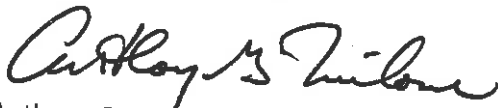
TC- FOR COMM  
EMAIL COPY TO:  
M. FISCHIONE  
J. ABRAHAM

The following letter is being sent from Accadia Site Contracting, Inc. on behalf of PM Peppermint which are both owned by the same individual. We have been recently made aware a complaint(s) regarding the stockpile of stone that is currently being staged at 31 Peppermint Road.

The site is being used as a staging area for our current project "Lancaster CSD-Renovations 2015 Phase 5-Walden Bus Garage" for the Town of Lancaster School District. The material currently being stockpiled is solely for that project. Our intention is not to utilize the property for other than its already permitted use.

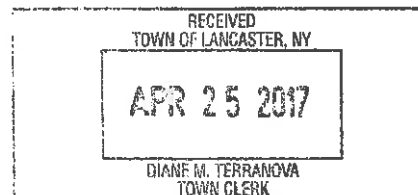
Should you have any questions or require any additional information, please feel free to contact me at either (716) 681-7944 or (716) 570-3584.

Sincerely,  
Accadia Site Contracting, Inc.

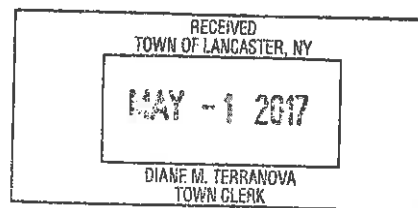


Anthony G. Milone, P.E.  
Project Manager

cc: File







## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 27, 2017

Diane M. Terranova  
Lancaster Town Clerk  
21 Central Avenue  
Lancaster, NY 14086

Re: Amended Rezone Petition  
0 Como Lake Road, Lancaster NY  
County Referral # ZR-17-225

Dear Ms. Terranova:

Pursuant to New York General Municipal Law Section 239-m, and Article 8 of the New York Conservation Law, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us by the Town of Lancaster (the "Town") on March 27, 2017.

The County offers the following comments based upon its review of the Project:

- The Erie County Department of Environment and Planning has serious concerns about the project's location and site wetlands. The Town and developer should closely analyze the impact of the proposed project on this significant environmental feature that cannot be completely replaced, and consider alternatives to minimize impacts.
- Division of Sewerage Management comments on this project are attached.

Please feel free to contact me at (716) 858-1916 should you have any questions.

Sincerely,

Mariely Ann Ortiz  
Planner | Environment & Planning | Erie County  
P:(716) 858-8390 | F:(716) 858-7248 | Mariely.Ortiz@erie.gov

**From:** [Quebral, Lorenzo](#)  
**To:** [kloftus@lancastermy.gov](mailto:kloftus@lancastermy.gov)  
**Cc:** [Ortiz, Mariely](#)  
**Subject:** 0 Como Park Blvd DSM SEQRA Comments  
**Date:** Tuesday, April 18, 2017 10:03:42 AM

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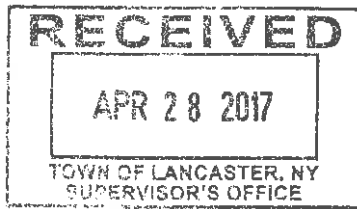
Mr. Loftus,

The Erie County Division of Sewerage Management (DSM) has reviewed the SEQRA submittal for the residential development on 0 Como Park Blvd (SBL# 115.01-2-13 etc.) and has the following comments.

1. The proposed project is located within Erie County Sewer District No. 4. The sanitary sewers near the proposed project are owned by the Erie County Sewer District No. 4. The sanitary flows are tributary to Erie County trunk and interceptor lines, and the Buffalo Sewer Authority Bird Island Treatment Plant.
2. If sanitary sewers are installed, they will be privately owned.
3. Review and approval of any sanitary sewers installed is required by Erie County DSM.
4. A sanitary sewer downstream capacity analysis may be required.
5. Sanitary sewer (I/I) removal work in ECSD No. 4 may be required for this project.
6. Sanitary sewer system design shall be in accordance with Ten States Standards, and Erie County Sewer District Rules and Regulations and Design Requirements.
7. The design engineer is encouraged to discuss preliminary sanitary sewer plans with DSM in advance of completing sewer design.

If you have any questions, feel free to call me at (716)-858-6974 or e-mail me.

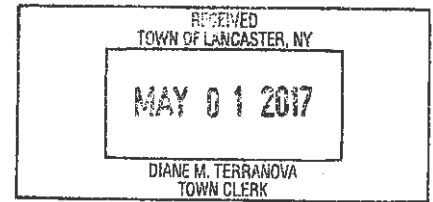
--  
**Lorenzo Quebral** | Principal Engineer Assistant  
Erie County | Div. of Sewerage Management  
95 Franklin St., 1050 | Buffalo, NY 14202  
P:+1(716)858-6974 | F:+1(716)858-6257  
[Lorenzo.Quebral@erie.gov](mailto:Lorenzo.Quebral@erie.gov) | <http://www.erie.gov>



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE



ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING  
OFFICE OF THE COMMISSIONER

THOMAS R. HERSEY, JR.  
COMMISSIONER

April 24, 2017

Hon. Johanna Metz Coleman  
Supervisor, Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

*TC - FOR COMM*

*TA - FOR RES.*

*(JMC) 5/1/17*

Dear Supervisor Metz Coleman:

This letter pertains to the 2003 Local Cooperation Agreement and 2014 Amendments to the 2003 Agreement between the Town of Lancaster and Erie County relative to the Erie County Community Development Block Grant Consortium.

Please be aware that, by its terms, the Agreement will be renewed for an additional three years (2018 through 2020) unless the Municipality provides a written notification to my attention indicating its desire to terminate the Agreement. Such action would remove the Municipality from Consortium membership and thus from eligibility for receiving Federal Community Development Block Grant funds under the Consortium's Entitlement Program for the 2018 through 2020 program years. The Municipality would also be unable to access funds through the federal HOME Investment Partnership Program for the same period.

It should also be noted that if your Municipality chooses to remain with the urban county, it is also a participant in the HOME Program if the urban county receives HOME funding and may only receive a formula allocation under the HOME Program as part of the urban county, although this does not preclude the urban county or a unit of government within the urban county from applying to the State for HOME funds, should it be allowed by New York State.

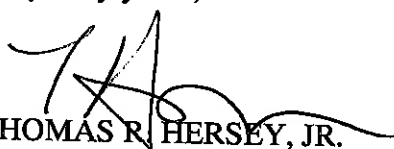
By remaining with the urban county, your Municipality is also a participant in the Emergency Solutions Grant (ESG) Program and may only receive a formula allocation under the ESG Program as a part of the urban county, although this does not preclude the urban county or a unit of government within the urban county from applying to the State for ESG funds, if so allowed by New York State.

The 2003 Agreement will be automatically renewed for the three-year period unless we receive a written termination notice from your Municipality by the close of business June 5, 2017. Said notice must also be sent to Ms. Mary Ann Oliver, Buffalo HUD Office, 465 Main Street, Buffalo, New York 14203.

One final point, should your Municipality choose to remain within the urban county, it is ineligible to apply for grants under the HUD-Administered Small Cities or State CDBG programs while it is part of the urban county.

Should you have any questions, do not hesitate to contact Paul D'Orlando at 858-2194.

Very truly yours,

  
THOMAS R. HERSEY, JR.  
Commissioner

PJD/cw

C: Paul D'Orlando

cooperation agreement\_merge to Consortium

**RECEIVED**

APR 27 2017

Supervisor Johanna Coleman  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

W.M. SCHUTT &amp; ASSOC.

COPIES:  
J. Farmer  
D. Brown

TC - FOR COMM.  
TA - FOR RES.

Pmc 5/1/17

**RE: Town of Lancaster -- Stream Bank Stabilization of Plumb Bottom Creek  
CONTRACT AWARD RECOMMENDATION**

Dear Supervisor Coleman:

The bids for the above referenced project were opened on April 11, 2017. A copy of our bid tabulation is enclosed for your information and review.

A review of the low bid is as follows:

**Stream Bank Stabilization of Plumb Bottom Creek: Pinto Construction**

\$115,101.00

We have reviewed qualifications of the low bidder and have held a post-bid screening with them to discuss their bids and their scope of work in detail. We feel that the bid is a true representation of the costs to complete this project, and that the contractor is qualified to complete the contract.

We recommend that the Town Board pass the following resolution:

**"Accepting the bids received for:**

- **The Stream Bank Stabilization of Plumb Bottom Creek from Pinto Construction for a total Base Bid of \$115,101.00;**

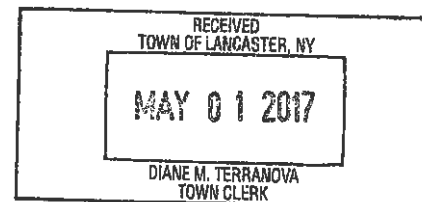
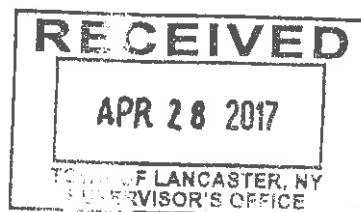
**and awarding the Contract to them. Pending approved "Right of Entry Agreement with land owner or Permanent Easement Acquisition by Village of Lancaster"**

Please notify us after the project has been awarded. We will then provide the Contractor with the Notices of Award and copies of the agreements for their execution. When the executed agreements are returned, we will provide them to the Town Supervisor for execution. This process generally takes a week to 10 days.

Clark Patterson Lee looks forward to working with you, the Town staff, and the Contractor to successfully complete this project. If you have any questions or require any additional information please contact me at (716) 852-2118 extension 1303.

Sincerely,  
Clark Patterson Lee

Jason Havens, P.E.  
Associate



**ARCHITECTURE  
ENGINEERING  
PLANNING**

# BID TABULATION

MUNICIPALITY :: TOWN OF LANCASTER

PROJECT :: Plumb Bottom Creek Bank Stabilization

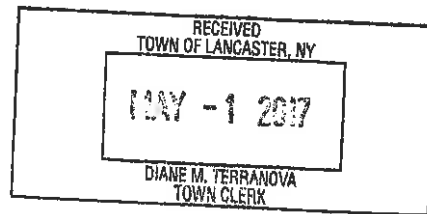
BID OPENING :: Tuesday, April 11th, 2017

BID ITEMS											
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	PINTO CONSTRUCTION		HUNTING VALLEY		Lakestone Development		E & R	
				UNIT COST	BID COST	UNIT COST	BID COST	UNIT COST	BID COST	UNIT COST	BID COST
BASE BID - TOWN PORTION OF STREAM BANK STABILIZATION WORK, RETAINING WALL											
201.06	CLEARING AND GRUBBING	LS	1	1500	\$ 1,500.00	3000	\$ 3,000.00	4262	\$ 4,262.00	7500	\$ 7,500.00
203.02	UNCLASSIFIED EXCAVATION AND DISPOSAL	CY	155	50	\$ 7,750.00	31	\$ 4,805.00	59.58	\$ 9,234.90	25	\$ 3,875.00
203.03	EMBANKMENT IN PLACE	CY	80	50	\$ 4,000.00	70	\$ 5,600.00	72.39	\$ 5,791.20	47	\$ 3,760.00
207.21	GEOTEXTILE SEPARATION	SY	244	1.5	\$ 366.00	5.5	\$ 1,342.00	4	\$ 976.00	10	\$ 2,440.00
209.1003	SEED AND MULCH - TEMPORARY	SY	250	6	\$ 1,500.00	8	\$ 2,000.00	2.5	\$ 625.00	15	\$ 3,750.00
209.13	SILT FENCE-TEMPORARY	LF	120	6	\$ 720.00	7	\$ 840.00	3.7	\$ 444.00	18	\$ 2,160.00
553.030001	TEMPORARY WATERWAY DIVERSION STRUCTURE	EA	1	8700	\$ 8,700.00	15000	\$ 15,000.00	89672	\$ 89,672.00	48000	\$ 48,000.00
554.41	FILL TYPE RETAINING WALL (GREATER THAN 6FT - 12FT ) (BLOCK ONLY)	SF	984	60	\$ 59,040.00	55	\$ 54,120.00	59.53	\$ 58,577.52	120	\$ 118,080.00
555.0105	CLASS A CONCRETE FOR STRUCTURES	CY	3	3061	\$ 9,183.00	1100	\$ 3,300.00	1081.67	\$ 3,245.01	1900	\$ 5,700.00
586.02	DRILLING AND GROUTING BOLTS OR REINFORCEMENT BARS	EA	30	88	\$ 2,640.00	35	\$ 1,050.00	58.67	\$ 1,760.10	200	\$ 6,000.00
605.0901	UNDERDRAIN FILTER TYPE 1	CY	26	112	\$ 2,912.00	125	\$ 3,250.00	154.42	\$ 4,014.92	42	\$ 1,092.00
610.1401	TOPSOIL - REUSE ON-SITE MATERIALS	CY	25	34	\$ 850.00	110	\$ 2,750.00	81.44	\$ 2,036.00	38	\$ 950.00
620.05	STONE FILL (HEAVY)	CY	23	130	\$ 2,990.00	110	\$ 2,530.00	140.48	\$ 3,231.04	100	\$ 2,300.00
623.11	CRUSHED GRAVEL	CY	50	\$ 78.00	\$ 3,900.00	\$ 110.00	\$ 5,500.00	\$ 119.96	\$ 5,998.00	\$ 35.00	\$ 1,750.00
621.51970008	GRADING, CLEANING AND RESHAPING EXISTING CHANNELS, DITCHES AND STREA	LF	50	\$ 39.00	\$ 1,950.00	\$ 32.00	\$ 1,600.00	\$ 21.00	\$ 1,050.00	\$ 60.00	\$ 3,000.00
625.01	SURVEY OPERATIONS	LS	1	\$ 2,500.00	\$ 2,500.00	\$ 15,000.00	\$ 15,000.00	\$ 3,381.00	\$ 3,381.00	\$ 8,200.00	\$ 8,200.00
699.040001	MOBILIZATION	LS	1	\$ 4,600.00	\$ 4,600.00	\$ 4,800.00	\$ 4,800.00	\$ 7,760.00	\$ 7,760.00	\$ 7,200.00	\$ 7,200.00
Base Bid - Town Share				\$ 115,101.00		\$ 126,487.00		\$ 202,058.69		\$ 225,757.00	
ALTERNATE 1 -											
201.06	CLEARING AND GRUBBING	LS	1	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00	\$ 5,758.00	\$ 5,758.00	\$ 12,000.00	\$ 12,000.00
203.02	UNCLASSIFIED EXCAVATION AND DISPOSAL	CY	265	\$ 50.00	\$ 13,250.00	\$ 32.00	\$ 8,480.00	\$ 44.65	\$ 11,832.25	\$ 30.00	\$ 7,950.00
209.1003	SEED AND MULCH - TEMPORARY	SY	400	\$ 6.00	\$ 2,400.00	\$ 2.00	\$ 800.00	\$ 1.00	\$ 400.00	\$ 20.00	\$ 8,000.00
209.13	SILT FENCE-TEMPORARY	LF	250	\$ 6.00	\$ 1,500.00	\$ 5.50	\$ 1,375.00	\$ 4.00	\$ 1,000.00	\$ 18.00	\$ 4,500.00
E 553.030001	TEMPORARY WATERWAY DIVERSION STRUCTURE	EA	1	\$ 26,000.00	\$ 26,000.00	\$ 3,000.00	\$ 3,000.00	\$ 27,763.00	\$ 27,763.00	\$ 45,000.00	\$ 45,000.00
610.1401	TOPSOIL - REUSE ON-SITE MATERIALS	CY	10	\$ 34.00	\$ 340.00	\$ 130.00	\$ 1,300.00	\$ 63.44	\$ 634.40	\$ 40.00	\$ 400.00
620.05	STONE FILL (HEAVY)	CY	200	\$ 130.00	\$ 26,000.00	\$ 110.00	\$ 22,000.00	\$ 90.03	\$ 18,006.00	\$ 100.00	\$ 20,000.00
621.51970008	GRADING, CLEANING AND RESHAPING EXISTING CHANNELS, DITCHES AND STREA	LF	100	\$ 39.00	\$ 3,900.00	\$ 3.00	\$ 300.00	\$ 20.76	\$ 2,076.00	\$ 60.00	\$ 6,000.00
625.01	SURVEY OPERATIONS	LS	1	\$ 1,000.00	\$ 1,000.00	\$ 10,000.00	\$ 10,000.00	\$ 1,446.00	\$ 1,446.00	\$ 7,500.00	\$ 7,500.00
699.040001	MOBILIZATION	LS	1	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,700.00	\$ 2,700.00	\$ 4,200.00	\$ 4,200.00
Alt 1 - Village Share				\$ 76,890.00		\$ 52,255.00		\$ 71,615.65		\$ 115,550.00	

April 21, 2017

Re: Children's Castle Development

To The Lancaster Town Board,



I have received a copy of the new proposed plans for Children's Castle. I find them extremely disturbing. I live 3 houses from Walden and cannot believe that after several meetings with the owner and expressing our concerns she continues to ignore us. On the first half of the street near Walden the families are young there are about 10 children in the first few houses where as in the back of the development the kids are older Middle School and High School age. With that being said she has not taken any of our safety concerns into consideration in her plans. The curb cut on Quail is now an entrance and exit which I would prefer neither. There is no need for any added traffic on our street especially with the number of teenage drivers in the development. This is simply a safety issue. Our kids play outside in the front together with all the kids in the neighborhood.

I also find that her entrance to enter the new building is far too close to our development entrance and we will see an increase number of accidents as the speed limit is 50 mpg in that area making it difficult to turn in already. I understand there will be no turning lane due to the added cost but again I feel that the safety of our families is in jeopardy. I will have a brand new driver in our house in the next few month I want him to feel safe with his drive home not have added worry that he may get hit trying to turn into our development and our driveway. I feel she should use her existing entrance and have her families use the parking lot to access the new building. This would keep her children safe as well and limit the driving on Walden. Walden is a heavily traveled road with semi-truck traveling day and night she has not taken the safety of her children as well as ours into consideration. Kids are curious and will venture to the street to see the big truck rolling by.

My other issue with the project is the ice cream stand. She only has 19 parking spots she has not taken into consideration the increased traffic she might get from sports teams leaving the local parks i.e. Walden Ponds or Westwood after a game. Sports team have anywhere from 13-20 kids on the roster with a few coaches. If all of them decide after an awesome win "let's meet for ice cream" she won't have enough parking for those families. This would then spill into our neighborhood street using our drive ways as turn a rounds. The kids in our neighborhood are always outside playing. They aren't in the house on a nice day; they are riding their bikes, scooters and running up and down the street. Why because it's safe! Putting up no parking signs in front of the house is not a solution because then our own families won't be able to park when we have parties. The other issue I have with the ice cream stand is the increase potential for rodents and garbage in our neighborhood. We already have an issue with voles, moles deer, fox we don't need rats added to the list. I lived in the city next to an elementary school my whole life and every summer you couldn't sit in the back yard or front porch without fear that the rats would get you. The school was well maintained but once summer hit there was no food in the building causing the rats to go out and find some. This will be the same issue because sweet garbage will be everywhere tempting our little four legged friends to come out. I moved out of the city to make a better life for my children. My husband and I worked extremely hard to get what we have and no one

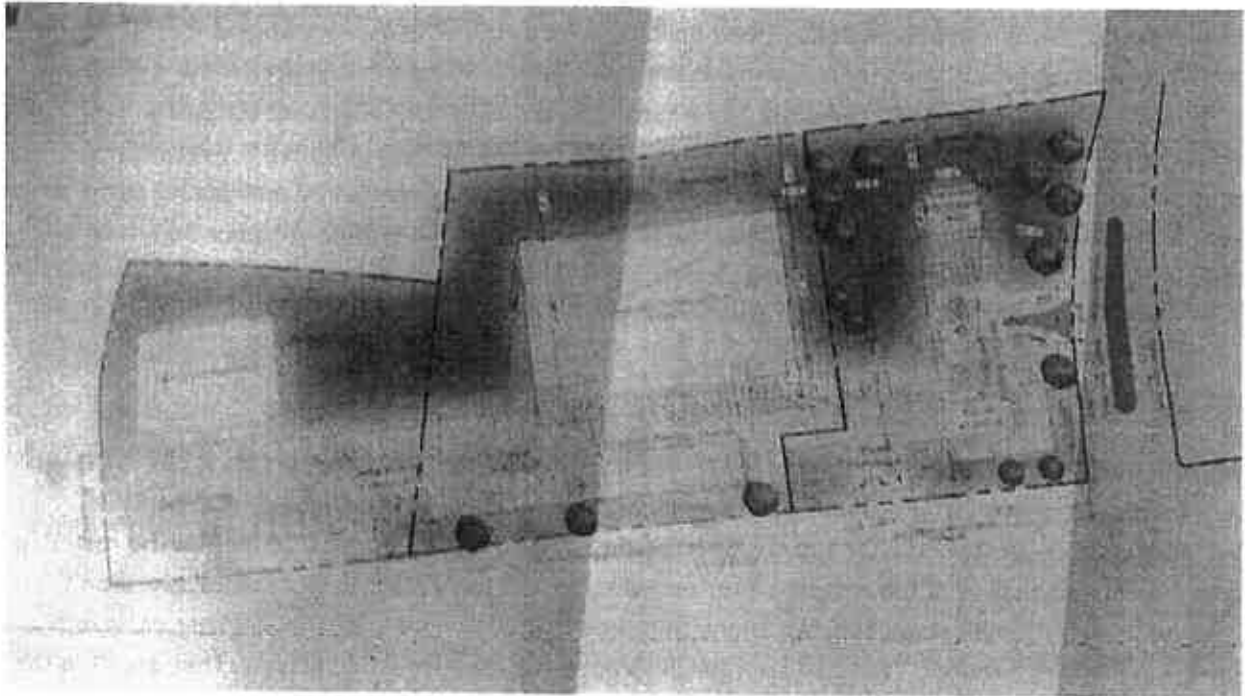
handed us anything. We love our quite neighborhood where we all get along. We want to keep it that way.

Thank you for your time and consideration of our neighborhood safety.

Wendy Surdej Michael Surdej

Wendy and Michael Surdej

5 Quail Run Lane





Date: May 1, 2017

To: Town of Lancaster Planning Board

Town of Lancaster Town Board

Subject: Proposed rezone and site plan for The Rock Child Care Center & Ice Cream Kastle

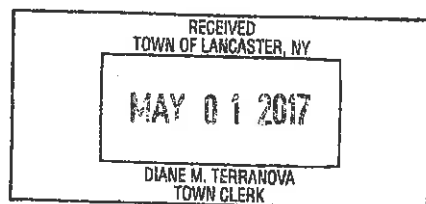
Location: SBL 94.17.1-49

Town of Lancaster Planning Board and Lancaster Town Board,

I am a resident of the Quail Run Subdivision and have resided at 14 Hunters Dr. since 1995, one of the first residences in Phase II. The land on each side of the entrance to the Quail Run Subdivision on Walden Avenue has been zoned Residential Commercial Office District (RCO) at least since then. Most residents decided to build in this development knowing that RCO zoning would provide a buffer to the development from the more commercial businesses and extended operating hours allowed under Neighborhood Business District (NB). Businesses listed under NB would generate additional traffic and longer operating hours.

I have two major concerns with the proposal of The Rock Child Care Center and the Ice Cream Kastle listed below:

1. **SBL 94.17.1-49 Property Rezone** - The current plans for the proposed The Rock Child Care Center & Ice Cream Kastle now requires the zoning to be changed to Neighborhood Business to allow it to proceed. The current plans reviewed (as of April 17, 2017) display the two buildings on a proposal of dividing of SBL 94.17.1-49 into 2 lots and both requesting rezoning.
  - This rezoning should not be allowed. The main concern of myself and the residents is that once a rezoning is allowed it will not be reverted back to the previous zoning if and when the property is sold at a later date. Therefore, if any one of the proposed buildings is sold then any business listed in the NB zoning could open in its place.
  - It is my understanding that when the Rezoning request was first presented to the Town Planning Board in February of this year the owner, Ms. Diane Bartlett, did state that her plan would be to construct and open the Ice Cream Kastle first and then sell it in a few years to recoup some of her investment. Since being zoned NB a potential could be the possibility of a Cigar Store going in next to a children day care center.
    - This also brings the question why would the Town approve a request for a rezone to be granted to a business owner, Bartlett Childcare Inc. which has a Annual Revenue of \$1,149,180 (per Dun & Bradstreet Credibility Corp website) that states the property will be sold off in a few years to recoup its investment? This plan of reselling the property, especially in the short term, is exactly what the residents of Quail Run are most concerned with rezoning from RCO to NB – what will be next to occupy that area.



- The location of the Ice Cream Kastle could easily draw more than the proposed 19 stalls (including 2 handicap) for parking allows for. Therefore, this could lead to patrons parking on the residential street - Quail Run Dr., which is the only exit/entrance residents in the subdivision have to/from Walden Ave. In addition many Stony Brook residents also use this exit/entrance to/from Walden Ave. (please see the attached map outlining the area and number of homes).
- While the owner states that this plan is in the Comprehensive Plan for Walden Avenue I would disagree with that assessment. The parcel in question on the north side of Walden and all parcels continuing past Cemetery Road are all zoned RCO – not RB. By allowing this parcel to be rezoned, and subdivide it, leads to future issues with the zoning of the parcel on the east side of Quail Run and those additional properties zoned RCO.

2. **Entrance/Exits** – the current plans show a curb cut on Walden Ave containing two exits and one entrance to The Rock Child Care Center & Ice Cream Kastle – a shared driveway on the Ice Cream Kastle property, and an entrance and exit curb cut on Quail Run – a southbound only exit lane from the Quail Run/Stony Brook subdivisions. The curb cut on Quail Run was an issue for the neighborhood when originally presented and definitely remains a huge issue. The Rock will have pre-school and post-school daycare and will generate a considerable additional amount of traffic, now including buses.
  - Curb cut on Quail Run Lane – this curb cut area has now been increased to allow a center median separating the entrance and exit to the proposed The Rock/Ice Cream Kastle. Nothing has been done by the owner to alleviate the Quail Run neighborhood's overwhelming concern. Quail Run Subdivision has only one exit to Walden Ave. and a business should not be allowed to provide business customers access to this one way residential roadway. Business customers entering the location will be required to enter the Quail Run Subdivision and make a U-turn around the center isle to gain access to the entrance curb cut, or continue down Quail Run and use a residential driveway to turn around. There are many children that reside/play in this area of the neighborhood, along with residences that walk this area in the evening hours that this will put at risk. Business customers exiting will also be adding additional traffic to the exit for the Quail Run and Stony Brook neighborhood. One of the most notable features of the Quail Run Subdivision since its inception, more than 25 years ago, has been the lighted entrance way. This should not be compromised by a Business proposal now. The proposed Business does not need nor should it be allowed to proceed with this curb cut into a residential area.
  - The proposed curb cut on Walden Ave is approximately 115 feet from the entrance/exit of the Quail Run Subdivision. As noted above this is the sole entrance/exit for the Quail Run Subdivision (approximately 76 homes) and is also used by Stony Brook Subdivision (approximately 300 homes) as an exit/entrance from Walden Ave. Vehicles, including buses, traveling east on Walden waiting to enter the new businesses will pose a near impossible issue for vehicles traveling east on Walden and turning left into Quail Run.

While causing the Quail Run vehicle to remain in the curb lane of Walden to maneuver around The Rock/Ice Cream customers and then changing lanes to enter Quail Run within 115 feet will cause traffic issues for all vehicles traveling east on Walden. The average stopping distance for a vehicle traveling at 40 mph is 120 feet. Walden Ave speed limit in this area is 50 mph. Therefore, the vehicle turning left on Quail Run will be required to lower its speed to 30 mph in the curb lane to achieve the ability to change lanes and make a stop/turn into Quail Run. This is just one example of the impact of vehicle traffic on Walden without allowing a center turning lane being part of the proposal.

In closing I would like to state that myself and the residents of the Quail Run Subdivision are not opposed to a business occupying/building on the vacant lot. The Childrens' Kastle has been there for many years and provides a valuable business to young families, both in Lancaster and close by neighboring towns. Expanding the operation is not the issue but rather sectioning off the property, building a Ice Cream shop only to sell it off to recoup investment and opening up the possibility of a less desirable business (under the rezone to NB) does not show concern for the neighborhood. If the Childrens' Kastle were to retain the parcel as one then the concerns of the neighborhood would be eased. The curb cut on Quail Run should not be approved/allowed. A business should not impose its clientele on the residential community. Quail Run only has one exit to Walden Ave – this should not be imposed on. A more reasonable approach would be to eliminate the curb cut and use that 50+ feet as additional parking for the Ice Cream Kastle, which is needed.

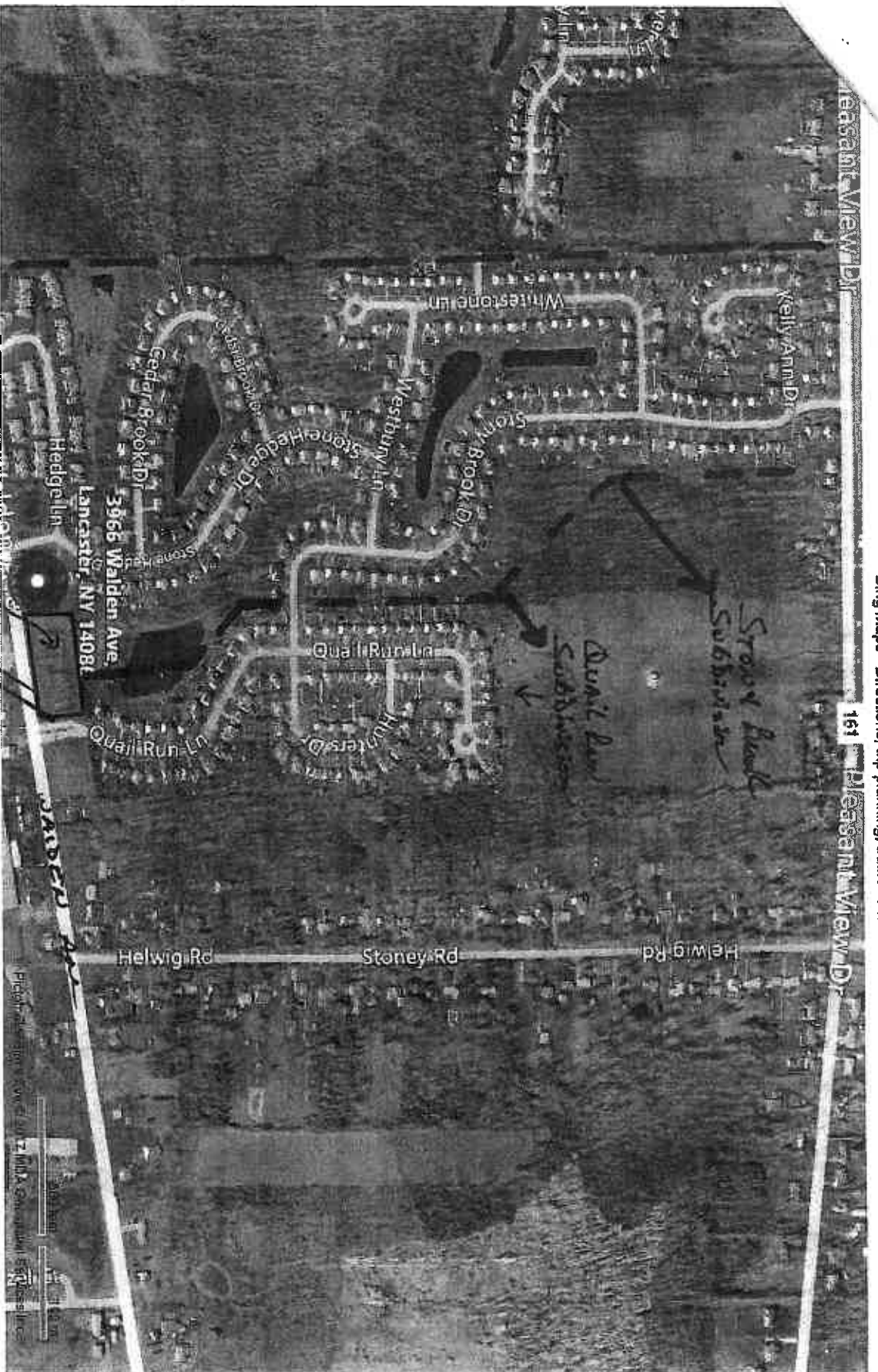
Thank you for your concern and consideration,



Donald E. Harder



Patricia A. Harder



SB 94.17.1-49  
Proposed  
The Lost Creek  
Ice Cream Kiosk  
→ Proposed Curb Cut on Quail Run Ln  
→ Proposed Curb Cut on Walden Ave

# Proclamation

*WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and*

*WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and*

*WHEREAS, the Office of Municipal Clerk provides the professional link between citizens, the local governing bodies and agencies of government at other levels; and*

*WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and*

*WHEREAS, The Municipal Clerk serves as the information center of functions of local government and community; and*

*WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations; and*

*WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.*

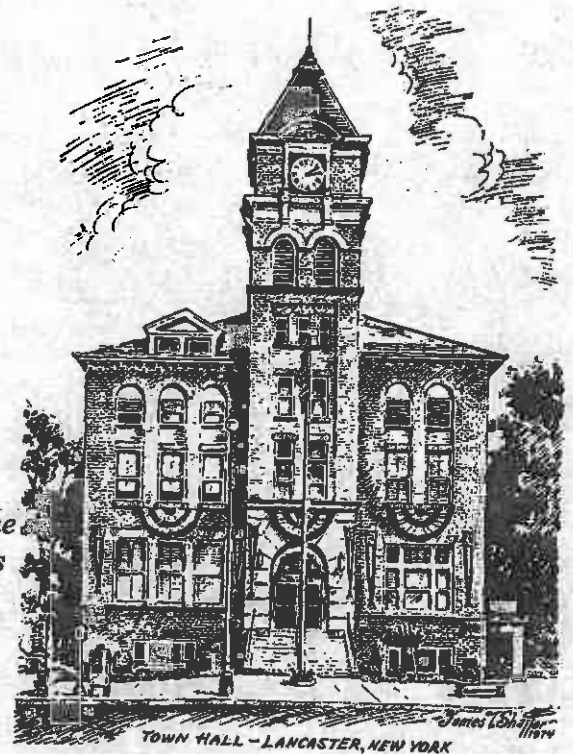
*NOW, THEREFORE, BE IT RESOLVED that the Erie County Town Clerk and Tax Collectors Association, hereby recognize the week of May 7 through May 13, 2017 as Municipal Clerk's Week and further extends appreciation to Lancaster Town Clerk, Diane M. Terranova, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.*

*The Honorable Town Board of the Town of Lancaster*

*John M. Abraham Jr., Council Member  
Dawn Gaczewski, Council Member*

*Ronald Ruffino Sr., Council Member  
Matthew Walter, Council Member*

*Johanna M. Coleman*  
JOHANNA M. COLEMAN, Supervisor





We've added a harmless chemical called mercaptan to natural gas to help you and your entire family identify leaks.

**If you smell even a slight odor of natural gas - don't wait! Get up, get out and call us or 911 immediately.**

### How to recognize a leak:



#### SMELL

For your safety, a distinctive sulfur-like odor, similar to rotten eggs, is added to natural gas.



#### SIGHT

You may see a white cloud, mist, fog, bubbles in standing water or blowing dust.



#### SOUND

You may hear an unusual noise like roaring, hissing or whistling.

### If you suspect a leak:

**Get up, get out** and call us or 911 immediately. Do not use your telephone or cell phone in your home.

**Provide** your exact location with cross streets.

**Do not** smoke, light candles or operate electrical switches or appliances. Doing so can produce a spark and cause an explosion.

**Let us know** if sewer construction or digging activities are going on in the area.



**DO NOT ASSUME SOMEONE ELSE WILL REPORT THE ODOR.**

Natural gas has an excellent safety record, but like all forms of energy, it must be handled properly. If improperly handled, it may cause a hazardous condition such as a fire, explosion or asphyxiation.

### We work diligently to ensure pipeline safety through a variety of measures including:

- Design and construction practices.
- Inspection, monitoring, testing, and notification systems and programs.
- Workforce training and qualification.
- Public education programs.

### Call 811 before you dig.

Damage to a natural gas pipeline from excavation activities may cause a natural gas leak and hazardous situation.

Before beginning any excavation, have all underground utilities marked by calling 811.

**It's free, it's easy and it's the law.**



If you smell natural gas, get up,  
get out and call us immediately!

• NYSEG customers: 1.800.572.1121

• RG&E customers: 1.800.743.1702

• OR call 911

**Información importante sobre seguridad.** Por favor, guarde este documento y visite el sitio web que aparece abajo para ver su versión traducida.

**Consignes de sécurité importantes.** Veuillez conserver ce document et visiter notre site Internet pour lire les consignes dans votre langue.

**Informação importante de Segurança.** Salve este documento e visite o site abaixo para visualizar sua versão traduzida.

**Thông Tin Quan Trọng Về An Toàn.** Xin giữ tài liệu này và viếng mạng lưới dưới đây để xem bản dịch sang ngôn ngữ của quý vị.

**Важная информация о безопасности.** Сохраните этот документ. С переводом можно ознакомиться на сайте по указанному ниже адресу.

**Important! Informazioni sulla sicurezza.** Si prega di salvare il presente documento e visitare il sito riportato qui sotto per visualizzare la versione tradotta.

**重要的安全資訊。** 請保存此文件，並訪問下面網站，以查閱您的翻譯版本。

معلومات هامة للسلامة. الرجاء حفظ هذه الوثيقة وتابعة الموقع أدناه لعرض النسخة المترجمة.

[northeastgas.org/public\\_awareness\\_languages.php](http://northeastgas.org/public_awareness_languages.php)



Translated versions of this important  
information can also be found by  
scanning this QR code.

15-0505  
DST 00160557

## 1 IMPORTANT SAFETY INFORMATION



# SMELL NATURAL GAS?

If you smell natural gas, get up,  
get out and call us immediately!

• NYSEG customers: 1.800.572.1121

• RG&E customers: 1.800.743.1702

• OR call 911







TC-F&L COMM

Date: April 2017

Dear Local Public Official/First Responder:

To ensure the safety of the public, your employees and people using your equipment, NYSEG and RG&E are seeking your assistance and cooperation.

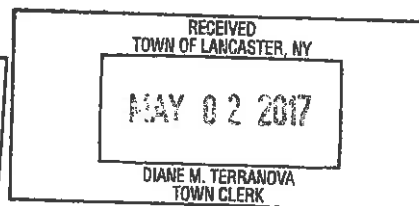
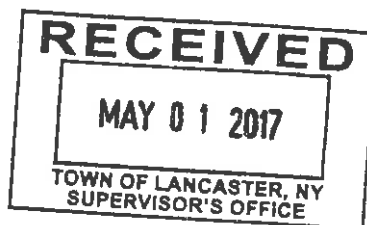
Electricity and natural gas facilities are prevalent in communities across the state. Extreme caution is necessary when working around these facilities, whether they are located underground or overhead.

- Excavation in the vicinity of buried facilities is regulated and requires the utmost caution. New York State Code Rule 753 includes requirements that must be followed when excavating. First and foremost – by law – contractors must call **Dig Safely New York at 811** or **1.800.962.7962** before digging so underground facilities can be marked. We strongly encourage *anyone* who is excavating to call to have underground facilities marked.

- When working around overhead electricity lines, at least 20 feet of clearance must be maintained. This and other requirements are included in the New York State Industrial Code Rule 57 and OSHA standard 1926.1407-1411 Subpart CC.

A “scratch and sniff” natural gas odor brochure is enclosed for your use to help you recognize the smell of natural gas and respond appropriately to suspected leaks. In addition, please use the enclosed poster as a safety reminder. A mailing has also been sent to contractors and equipment rental companies in your area. The mailing to contractors and equipment rental companies includes a printed version of our excavation manual.

A printable version of the manual can be found at [nyseg.com](http://nyseg.com) or [rge.com](http://rge.com) – click “Usage and Safety” at the top of the page, then “Dig Safely and Look Up” for current information about underground and overhead utility damage prevention. It is very important that you share this with your municipal employees and any contractors who are working on behalf of your municipality.



Continued





Contact with overhead power lines or underground natural gas or electricity services can cause serious injuries or death. Those excavating who cause damage to underground utilities may be liable for property damages and subject to state fines. Please read the enclosed material carefully and follow the law. Your safety and the safety of others may depend on it.

Should you have questions, please contact me at 207-458-2766 or [anna.caron@cmpco.com](mailto:anna.caron@cmpco.com).

Thank you in advance for helping to keep our communities safe.

Sincerely,

A handwritten signature in black ink that reads "Anna Caron". The signature is written in a cursive, flowing style.

Anna Caron  
Supervisor – Damage Prevention



NYSEG



RG&E

## NEW YORK STATE Safe Excavation

**Having underground utilities marked is essential to protect yourself from injury and prevent damage to utility lines.**

Simply call Dig Safely New York at 811 at least two working days but not more than 10 working days before any excavation starts (excluding holidays and weekends).

**Look Up...Look Out! for overhead power lines.**

With the bigger equipment you're using, many backhoes, cranes and other equipment can reach some power lines.



**Know what's below.**

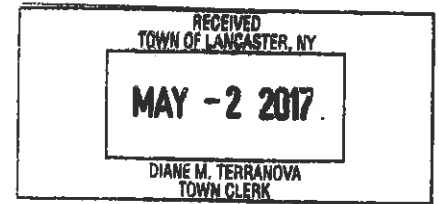




303

LAW OFFICE OF  
**ANTHONY J. CERVI**

43 COURT STREET, SUITE 822  
BUFFALO, NEW YORK 14202  
PHONE: (716) 856-5223  
FAX: (716) 332-1389  
AJCERVI@GMAIL.COM



Kimberly J. Gross, Paralegal  
Irene Proctor, Paralegal  
Michael D. DeLeon, Law Clerk

April 28, 2017

**Via Regular Mail**

Diane Terranova, Town Clerk  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

TC-FOR COMM  
COPY TO PAYROLL SUPERVISOR  
(gmc) 5/2/17

Dear Ms. Terranova;

I hereby appoint Sherry Guarino to the full time position of Clerk to Town Justice effective May 4, 2017. I request that this appointment be at the same annual salary and terms and conditions of employment, and Drug Court stipend, as was in effect previously for this position.

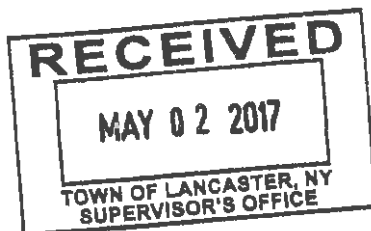
Thank you for your prompt attention to this matter. In the meantime, if you have any questions, please feel free to contact my office.

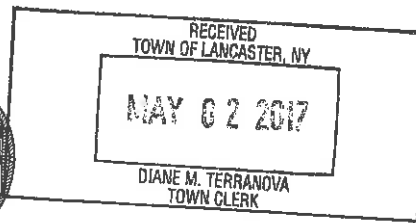
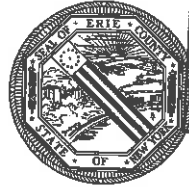
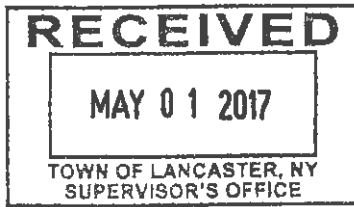
Very truly yours,

Anthony J. Cervi  
Lancaster Town Justice

AJC/kjg

Cc: Lancaster Town Board





304

## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 27, 2017

Supervisor Johanna Coleman  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

TC - For Comm  
COPY TO DIR. OF FIN.  
(10) 5/2/17

**Re: New York State Shared Services Property Tax Savings Plan**

Dear Supervisor Coleman:

As you may already be aware, the enacted 2017-2018 New York State Budget includes a variation of Governor Andrew Cuomo's Countywide Shared Services Property Tax Savings Plan ("Shared Services Plan"). Under the provisions of this plan, the State is requiring the creation of a shared services panel ("Panel") at the local level, chaired by the county executive and comprised of the chief executive officers of each city, town and village in the county.

This Panel must prepare a property tax savings plan for shared, coordinated and efficient services among the county, cities, towns and villages which must be voted on and approved by majority vote of the Panel and submitted to the New York State Budget Office by September 15, 2017. The Panel must also provide the Erie County Legislature with the Shared Services Plan for their advisory opinion, as well as hold at least three public hearings before a vote can take place. A copy of the Law is included herewith for your review.

Given the aggressive timeline dictated to us by State Law, it is imperative that we come together as soon as possible to begin developing such a plan. As such, we have scheduled an introductory meeting of the Erie County Shared Services Panel on **May 17, 2017 from 5:30pm-6:30pm at Erie County Community College North Campus. We will be meeting in Kittinger Hall, Room 100.** A map of the campus has been included for your convenience. At this meeting we expect to go through both the State requirements for the Shared Services Plan and the timeline of events.

It is important to reiterate State Law mandates that the County and all cities, towns and villages located within participate in the Panel. Due to the importance of this first meeting I highly suggest all local mayors and supervisors make whatever arrangements necessary to attend.

While I know many are not happy with the process by which this law was created, it is the law, and our shared residents and taxpayers deserve our best efforts to comply on their behalf. If we are willing to work together as we did in successfully submitting our Erie County wide Government Efficiency Plan for approval by the State over the course of 2015 as part of the Property Tax Cap Freeze

**Poloncarz Letter Regarding Shared Services Panel May 17, 2017 Meeting**  
**April 25, 2017**  
**Page 2 of 2**

Credit program, I am confident we can navigate this new mandate with the least possible disruption to our work on behalf of our residents.

To RSVP for the introductory Erie County Shared Services Panel meeting please contact, Kelly Sullivan at [Kelly.Sullivan@erie.gov](mailto:Kelly.Sullivan@erie.gov) or at 716-858-7905. If you have ideas regarding new shared services proposals you wish to discuss at the first meeting I ask you to provide them to the county via email at [sharedservices@erie.gov](mailto:sharedservices@erie.gov). Should you have any questions about the Shared Services plan please contact Mark Cornell at [Mark.Cornell@erie.gov](mailto:Mark.Cornell@erie.gov).

We look forward to seeing you on May 17<sup>th</sup>. In the meantime, please do not hesitate to contact me should you have any further questions.

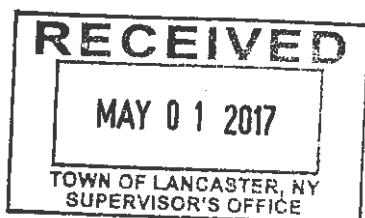
Yours truly,



Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mc  
Encl.

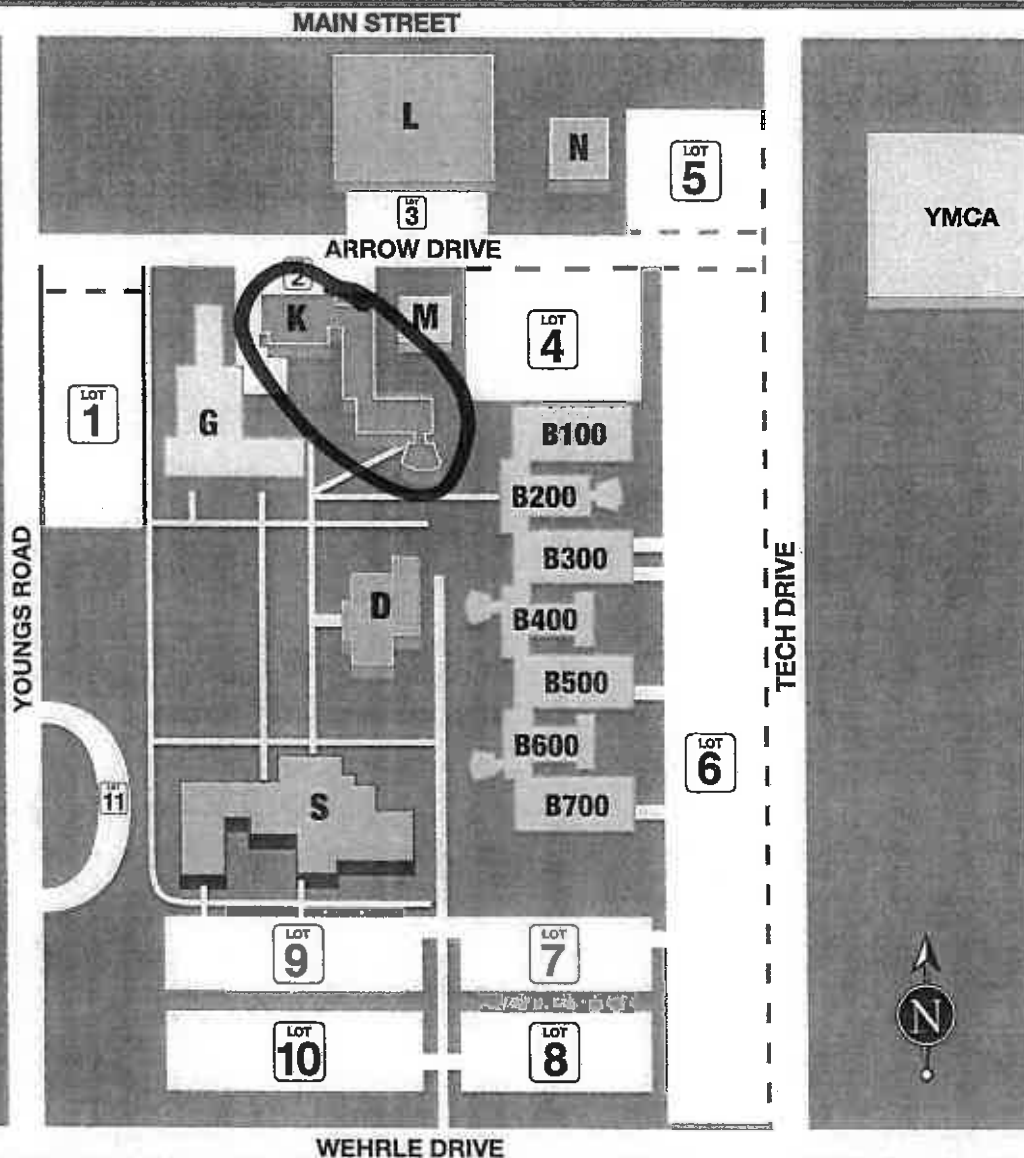
cc: All Erie County City Mayors  
All Erie County Town Supervisors  
All Erie County Village Mayors





## NORTH CAMPUS

SUNY  
**ECC**



### **B - Bretschger Hall**

- 100 Wing: Electrical Engineering  
Nanotechnology  
Ophthalmic Dispensing
- 200 Wing: Office Management and  
Administration
- 300 Wing: Business Administration  
Industrial Technology
- 400 Wing: Criminal Justice  
Lecture Hall
- 500 Wing: Civil Engineering  
Construction Management  
Health Information Technology
- 600 Wing: Biomanufacturing  
Clinical Lab  
Emergency Medical Technology  
Lecture Hall  
Medical Assisting
- 700 Wing: Chemistry  
Engineering Science  
Law Enforcement Training Academy  
Mechanical Engineering

### **M - Mary Lou Rath Child Care Center**

### **D - Library**

- English Skills Center
- Math Learning Center
- Pathways Classroom

### **G - Gleasner Hall**

- Advanced Studies
- Academic Administrative Offices
- Auditorium
- Career Resource Center
- Dietetic Technology
- Grants
- International Students Office
- One-Stop Center
- Pathways Office
- Respiratory Care
- Testing Center
- Veterans Office
- Welcome Center

### **K - Kittinger Hall**

- Biology
- Computer Science
- English
- Environmental Science
- General Studies
- Humanities
- Lecture Hall

- Nursing
- Occupational Therapy
- Social Science

### **L - Gymnasium**

- Health, Wellness and  
Physical Education

### **N - Facilities/Maintenance**

- Duplicating
- Mailroom
- Receiving

### **S - Spring Student Center**

- Admissions
- Bookstore
- Bursar
- Cafeteria
- College Safety
- Financial Aid
- Health Office
- Hospitality Management
- Registrar
- School of Dental Hygiene
- Statler Erie Room
- Student Access Center
- Student Activities Office
- Student Support Center

## REVENUE BUDGET BILL

S2009-C/A3009-C

### PART BBB County-wide shared services property tax savings plan

35 Section 1. County-wide shared services property tax savings plan. 1.  
36 Notwithstanding the provisions of the municipal home rule law, the  
37 alternative county government law, or any other general, special or  
38 local law to the contrary, the chief executive officer of each county  
39 outside of a city of one million or more shall prepare a property tax  
40 savings plan for shared, coordinated and efficient services among the  
41 county, cities, towns and villages within such county.

42 Such plan may include school districts, boards of cooperative educa-  
43 tional services, and special improvement districts within such county if  
44 the school district, board of cooperative educational services, or  
45 special improvement district has a representative on the shared services  
46 panel.

47 2. a. There shall be a shared services panel in each county consisting  
48 of the chief executive officer of the county, who shall serve as chair,  
49 and one representative from each city, town, and village in the county.

50 b. The chief executive officer of each town, city and village shall be  
51 the representative to the shared services panel and shall be the mayor,  
52 if a city or a village, or shall be the supervisor, if a town.

53 c. The chief executive officer of the county may invite any school  
54 district, any board of cooperative educational services, and/or any  
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1 special improvement district in the county to participate in the coun-  
2 ty-wide shared services property tax savings plan. Upon such invitation,  
3 the governing body of such school district, board of cooperative educa-  
4 tional services, and/or a special improvement district may accept such  
5 invitation by selecting a representative of such governing body, by  
6 majority vote, to serve as a member of the shared services panel.

7 d. In the development of the county-wide shared services property tax  
8 savings plan, the chief executive officer of the county shall regularly  
9 consult with, and take recommendations from, all the representatives of  
10 the shared services panel, as well as with and from the representative  
11 of each collective bargaining unit of the county and the cities, towns,  
12 and villages as well as from the representative of each collective  
13 bargaining unit of any participating school district, board of cooper-  
14 ative educational services and special improvement district.

15 3. Public input, as well as input from civic, business, labor, and  
16 community leaders, shall be accepted by the chief executive officer, the  
17 county legislative body and the shared services panel on the proposed  
18 county-wide shared services property tax savings plan. To facilitate  
19 such input, three or more public hearings shall be arranged to be held  
20 within the county. All such public hearings shall be conducted prior to  
21 the submission of the county-wide shared services property tax savings  
22 plan to a vote of the shared services panel, and public notice of all  
23 such hearings shall be provided at least one week prior in the manner  
24 prescribed in subdivision 1 of section 104 of the public officers law.  
25 Civic, business, labor, and community leaders, as well as members of the  
26 public, shall be permitted to provided public testimony at any such  
27 hearings.

28 4. a. Such property tax savings plan shall contain new recurring prop-  
29 erty tax savings through actions such as, but not limited to, the elimi-  
30 nation of duplicative services; shared services, such as joint purchas-  
31 ing, shared highway equipment, shared storage facilities, shared plowing  
32 services, and energy and insurance purchasing cooperatives; reduction in  
33 back office administrative overhead; and better coordination of  
34 services.

35 b. The chief executive officer of the county shall submit such proper-

36 ty tax savings plan to the county legislative body no later than August  
37 first, two thousand seventeen. Such property tax savings plan shall be  
38 accompanied by a certification as to the accuracy of the savings  
39 contained therein.

40 c. The county legislative body shall review and consider the county-  
41 wide shared services plan submitted to it in accordance with paragraph b  
42 of this subdivision. A majority of the members of such body may issue an  
43 advisory report making recommendations as deemed necessary. The chief  
44 executive officer may make modifications to the plan based on such  
45 recommendations. If modifications are made by the chief executive offi-  
46 cer, he or she shall produce an updated certification as to the accuracy  
47 of the savings contained therein.

48 d. The county shared services panel shall consider the county-wide  
49 shared services tax savings plan. A majority vote of the panel shall be  
50 required for approval of such plan, provided however that each member of  
51 the panel may, prior to the panel-wide vote, cause to be removed from  
52 the plan any proposed action that affects the unit of local government  
53 represented by the respective member. Written notice of such removal  
54 shall be provided to the chief executive officer of the county prior to  
55 the panel-wide vote on the plan.

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1 e. If a county does not achieve an approved county-wide shared  
2 services property tax savings plan by the deadlines required for 2017,  
3 then it shall release to the public a report on the proposal, the vote  
4 of the panel which vote shall require each panel member, in writing to  
5 state the reason for such vote. The county shall then follow the same  
6 procedures defined in this section to attempt to produce an approved  
7 county-wide shared services property tax savings plan by the deadlines  
8 required for 2018.

9 5. a. Upon approval of the shared services panel, the chief executive  
10 officer of the county shall finalize the county-wide shared services  
11 property tax savings plan and shall transmit to the director of the  
12 division of the budget a certification of the plan and its property tax  
13 savings plan. The chief executive officer of the county shall finalize  
14 any such approved county-wide shared services property tax savings plan  
15 no later than September fifteenth, two thousand seventeen, and any such  
16 plan shall be publicly disseminated to residents of the county in a  
17 concise, clear, and coherent manner using words with common and everyday  
18 meanings.

19 b. The beginning of the plan publicly disseminated shall contain the  
20 information and shall be in the form set forth hereinbelow:

21 County-wide Shared Services Property Tax Savings Plan Summary

22 Row 1	Participating Cities	(insert number of cities in the
23		county as well as the number and list
24		of such cities with a representative
25		on the panel who voted on such plan)
26 Row 2	Participating Towns	(insert number of towns in the county
27		as well as the number and list of
28		such towns with a representative
29		on the panel who voted on such plan)
30 Row 3	Participating Villages	(insert number of villages in the
31		county as well as the number and list of
32		such villages with a representative
33		on the panel who voted on such plan)
34 Row 4	Participating school	(insert number of school districts,
35	districts, BOCES, and	BOCES, and special improvement
36	special improvement	districts in the county as
37	districts	well as the number and list of
38		such school districts, BOCES, and
39		special improvement districts



40			with a representative on the
41			panel who voted on such plan)
42	Row 5	2017 Local	(insert sum total of property
43		Government property	taxes levied in the year
44		taxes	2017 by the county, cities, towns,
45			villages, school districts,
46			BOCES, and special improvement
47			districts within such county)
48	Row 6	2017 Participating	(insert sum total of property
49		Entities property	taxes levied in the year 2017 by the
50		taxes	county, any cities, towns, villages,
51			school districts, BOCES, and
52			special improvements districts
53			identified as participating in
54			the panel in rows one through
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1			four above)
2	Row 7	Total Anticipated	(insert sum total of net
3		Savings	savings in such plan certified
4			as being anticipated in calendar
5			year 2018, calendar year 2019,
6			and annually thereafter)
7	Row 8	Anticipated Savings	(insert sum total of net
8		as a Percentage of	savings in such plan
9		Participating	certified as being anticipated
10		Entities property	in calendar year 2018 as a
11		taxes	percentage of the sum total in
12			Row 6, calendar year 2019
13			as a percentage of the sum total
14			in Row 6, and annually
15			thereafter as a percentage of the
16			sum total in Row 6)
17	Row 9	Anticipated	(insert the amount of the
18		Savings to the	savings that the average
19		Average Taxpayer	taxpayer in the county
20			will realize in calendar year
21			2018, calendar year 2019,
22			and annually thereafter if the
23			net savings certified
24			in the plan are realized)
25	Row 10	Anticipated	(insert the percentage amount a
26		Costs/Savings to	homeowner can expect his or her
27		the Average	property taxes to increase or
28		Homeowner	decrease in calendar year 2018,
29			calendar year 2019, and
30			annually thereafter if
31			the net savings certified in the
32			plan are realized)
33	Row 11	Anticipated	(insert the percentage amount a
34		Costs/Savings to	business can expect its property
35		the Average	taxes to increase or decrease in
36		Business	calendar year 2018, calendar year
37			2019, and annually thereafter if
38			the net savings certified in the
39			plan are realized)

40 c. The chief executive officer of the county shall conduct a public  
41 presentation of the plan no later than October 15, 2017. Public notice  
42 of such public presentation shall be provided at least one week prior in  
43 the manner prescribed in subdivision 1 of section 104 of the public  
44 officers law.

45 d. Any such finalized property tax savings plan which would have the  
46 effect of transferring or abolishing a function or duty of the county or

47 of the cities, towns, villages, districts or other units of government  
48 wholly contained in the county, shall not become operative unless and  
49 until it is approved in accordance with subdivision (h) of section one  
50 of article nine of the state constitution.

51 6. a. If the county-wide property tax savings plan shall fail to  
52 obtain the approval of the shared services panel, voting on the plan in  
53 accordance with this section, the chief executive officer of the county  
54 shall resubmit such plan to the shared services panel, in accordance  
55 with the procedures established for first consideration of the plan  
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1 outlined by this section, no later than August first, two thousand eigh-  
2 teen.

3 b. Any proposed county-wide shared services property tax savings plan  
4 prepared for reconsideration by the shared services panel, shall follow  
5 the same procedures prescribed in this section for original consider-  
6 ation in two thousand seventeen. No county-wide shared services property  
7 tax savings plan shall be deemed approved, or may be finalized, without  
8 approval of such plan by the shared services panel.

9 c. If the shared services panel approves the proposed county-wide  
10 shared services property tax savings plan for 2018, the chief executive  
11 officer of the county shall finalize any such approved county-wide  
12 shared services property tax savings plan no later than September  
13 fifteenth, two thousand eighteen, and any such plan shall be publicly  
14 disseminated to residents of the county in a concise, clear, and coher-  
15 ent manner using words with common and everyday meanings.

16 d. The beginning of the plan publicly disseminated shall contain the  
17 information and shall be in the form set forth hereinbelow:

18 County-wide Shared Services Property Tax Savings Plan Summary

19 Row 1	Participating Cities	(insert number of cities in the
20		county as well as the number
21		and list of such cities with
22		a representative on the
23		panel who voted on such plan)
24 Row 2	Participating Towns	(insert number of towns in the
25		county as well as the number
26		and list of such towns with
27		a representative on the
28		panel who voted on such plan)
29 Row 3	Participating Villages	(insert number of villages in the
30		county as well as the number
31		and list of such villages with
32		a representative on the
33		panel who voted on such plan)
34 Row 4	Participating school	(insert number of school
35	districts, BOCES, and	districts, BOCES, and special
36	special improvement	improvement
37	districts	districts in the county
38		as well as the number
39		and list of such school districts,
40		BOCES, and special improvement
41		districts with a representative
42		one the panel who voted on
43		such plan)
44 Row 5	2018 Local Government	(insert sum total of property taxes
45	property	levied in the year 2018 by the
46	taxes	county, cities, towns, villages,
47		school districts, BOCES, and
48		special improvement districts
49		within such county)
50 Row 6	2018 Participating	(insert sum total of property taxes
51	Entities property	levied in the year 2018 by the

52	taxes	county, any cities, towns, villages,
53		school districts, BOCES,
54		and special improvement districts
55		identified as participating
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1		in the panel in
2		rows one through four above)
3	Row 7	(insert sum total of net savings in
4	Total Anticipated	such plan certified as being
5	Savings	anticipated in calendar year 2019,
6		calendar year 2020, and annually
7		thereafter)
8	Row 8	(insert sum total of net savings in
9	Anticipated Savings	such plan certified as being
10	as a Percentage	anticipated in calendar year 2019
11	of Participating	as a percentage of the
12	Entities property	sum total in Row 6, calendar
13	taxes	year 2020 as a percentage of the
14		sum total in Row 6, and annually
15		thereafter as a percentage
16		of the sum total in Row 6)
17	Row 9	(insert the amount of
18	Anticipated Savings	the savings that the average
19	to the Average	taxpayer in the county will
20	Taxpayer	realize in calendar year 2019,
21		calendar year 2020, and
22		annually thereafter if the net
23		savings certified in the plan
24		are realized)
25	Row 10	(insert the percentage amount a
26	Anticipated	homeowner can expect his or her
27	Costs/Savings to	property taxes to increase or
28	the Average	decrease in calendar year
29	Homeowner	
30	2019, calendar year	2020, and annually thereafter if
31		the net savings certified in the
32		plan are realized)
33	Row 11	(insert the percentage amount a
34	Anticipated	business can expect its property
35	Costs/Savings to	taxes to increase or decrease in
36	the Average	calendar year 2019, calendar year
37	Business	2020, and annually thereafter if
38		the net savings certified in the
39		plan are realized)

40 e. The chief executive officer of the county shall conduct a public

41 presentation of the plan no later than October 15, 2018. Public notice

42 of such public presentation shall be provided at least one week prior in

43 the manner prescribed in subdivision 1 of section 104 of the public

44 officers law.

45 f. Any such finalized property tax savings plan which would have the

46 effect of transferring or abolishing a function or duty of the county or

47 of the cities, towns, villages, districts or other units of government

48 wholly contained in the county, shall not become operative unless and

49 until it is approved in accordance with subdivision (h) of section one

50 of article nine of the state constitution.

51 7. For the purposes of this part "chief executive officer" means the

52 county executive, county manager or other chief executive of the county,

53 or where none, the chair of the county legislative body.

54 8. Each county plan may be eligible for one-time funding to match

55 savings in such plan, subject to available appropriation. The secretary

56 of state shall develop an application, approved by the director of the

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1 budget, with any necessary requirements to receive such matching fund-  
2 ing. Savings that are actually and demonstrably realized by the partic-  
3 ipating local governments are eligible for matching funding. For actions  
4 that are a part of an approved plan finalized in 2017, savings from new  
5 actions implemented on or after January 1, 2018 are eligible for match-  
6 ing funding. For actions that are a part of an approved plan finalized  
7 in 2017, savings achieved from January 1, 2018 through December 31, 2018  
8 are eligible for matching funding. For actions that are a part of an  
9 approved plan finalized in 2018, savings from new actions implemented on  
10 or after January 1, 2019 are eligible for matching funding. For actions  
11 that are a part of an approved plan finalized in 2018, savings achieved  
12 from January 1, 2019 through December 31, 2019 are eligible for matching  
13 funding. Only net savings between local governments for each action  
14 would be eligible for matching funding. Savings from internal efficien-  
15 cies or any other actions taken by a local government without the  
16 participation of another local government are not eligible for matching  
17 funding. Each county and all of the local governments within the county  
18 that are part of any action to be implemented as part of the approved  
19 plan must collectively apply for the matching funding and agree on the  
20 distribution and use of any matching funding, in order to qualify for  
21 matching funding.

22 9. Where the implementation of any component of such finalized proper-  
23 ty tax savings plan is, by any other general or special law, subject to  
24 a public hearing, a mandatory or permissive referendum, consents of  
25 governmental agencies, or other requirements applicable to the making of  
26 contracts, then implementation of such component shall be conditioned on  
27 compliance with such requirements.

28 10. If any clause, sentence, paragraph, subdivision, section or part  
29 of this act shall be adjudged by any court or competent jurisdiction to  
30 be invalid, such judgment shall not affect, impair, or invalidate the  
31 remainder thereof, but shall be confined in its operation to the clause,  
32 sentence, paragraph, subdivision, section or part thereof directly  
33 involved in the controversy in which such judgment shall have been  
34 rendered. It is hereby declared to be the intent of the legislature that  
35 this act would have been enacted if such invalid provisions had not been  
36 included herein.

37 § 2. School district and board of cooperative educational services  
38 participation in county-wide shared services property tax savings plans.  
39 Notwithstanding any provision of the education law, or any other  
40 provision of law, rule or regulation, to the contrary, any school  
41 district or board of cooperative educational services may participate in  
42 a county-wide shared services property tax savings plan established  
43 pursuant to the provisions of this chapter, and may further participate  
44 in any of the activities listed in paragraph a of subdivision 4 of  
45 section one of this act with any participating county, town, city,  
46 village, special improvement district, school district and/or board of  
47 cooperative educational services participating in such county-wide  
48 shared services property tax saving plan.

49 § 3. This act shall take effect immediately.

## REVENUE BUDGET BILL

S2009-C/A3009-C

### PART BBB County-wide shared services property tax savings plan

35 Section 1. County-wide shared services property tax savings plan. 1.  
36 Notwithstanding the provisions of the municipal home rule law, the  
37 alternative county government law, or any other general, special or  
38 local law to the contrary, the chief executive officer of each county  
39 outside of a city of one million or more shall prepare a property tax  
40 savings plan for shared, coordinated and efficient services among the  
41 county, cities, towns and villages within such county.

42 Such plan may include school districts, boards of cooperative educa-  
43 tional services, and special improvement districts within such county if  
44 the school district, board of cooperative educational services, or  
45 special improvement district has a representative on the shared services  
46 panel.

47 2. a. There shall be a shared services panel in each county consisting  
48 of the chief executive officer of the county, who shall serve as chair,  
49 and one representative from each city, town, and village in the county.

50 b. The chief executive officer of each town, city and village shall be  
51 the representative to the shared services panel and shall be the mayor,  
52 if a city or a village, or shall be the supervisor, if a town.

53 c. The chief executive officer of the county may invite any school  
54 district, any board of cooperative educational services, and/or any  
S. 2009--C 126 A. 3009--C

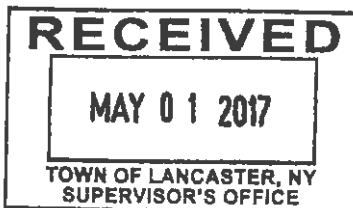
1 special improvement district in the county to participate in the coun-  
2 ty-wide shared services property tax savings plan. Upon such invitation,  
3 the governing body of such school district, board of cooperative educa-  
4 tional services, and/or a special improvement district may accept such  
5 invitation by selecting a representative of such governing body, by  
6 majority vote, to serve as a member of the shared services panel.

7 d. In the development of the county-wide shared services property tax  
8 savings plan, the chief executive officer of the county shall regularly  
9 consult with, and take recommendations from, all the representatives of  
10 the shared services panel, as well as with and from the representative  
11 of each collective bargaining unit of the county and the cities, towns,  
12 and villages as well as from the representative of each collective  
13 bargaining unit of any participating school district, board of cooper-  
14 ative educational services and special improvement district.

15 3. Public input, as well as input from civic, business, labor, and  
16 community leaders, shall be accepted by the chief executive officer, the  
17 county legislative body and the shared services panel on the proposed  
18 county-wide shared services property tax savings plan. To facilitate  
19 such input, three or more public hearings shall be arranged to be held  
20 within the county. All such public hearings shall be conducted prior to  
21 the submission of the county-wide shared services property tax savings  
22 plan to a vote of the shared services panel, and public notice of all  
23 such hearings shall be provided at least one week prior in the manner  
24 prescribed in subdivision 1 of section 104 of the public officers law.  
25 Civic, business, labor, and community leaders, as well as members of the  
26 public, shall be permitted to provide public testimony at any such  
27 hearings.

28 4. a. Such property tax savings plan shall contain new recurring prop-  
29 erty tax savings through actions such as, but not limited to, the elimi-  
30 nation of duplicative services; shared services, such as joint purchas-  
31 ing, shared highway equipment, shared storage facilities, shared plowing  
32 services, and energy and insurance purchasing cooperatives; reduction in  
33 back office administrative overhead; and better coordination of  
34 services.

35 b. The chief executive officer of the county shall submit such proper-



Centerpointe Corporate Park  
375 Essjay Road, Williamsville, NY 14221  
P 716.688.0766 F 716.625.6825

LETTER OF TRANSMITTAL

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

*TC-FOR COMM*  
*80 4/21/17 COPY TO PLANNING BD CHAIR.*

Date 4/26/17	Project No. 2852-11
Attention	
Town of Elma Subdivision Regulations	

We are sending you . . .

Copies	Date	Number	Description
1			Town of Elma - Chapter 123 of Subdivision Regulations

Remarks:

Enclosed please find Chapter 123 of the Town of Elma Subdivision Regulations showing proposed changes. These are being sent to this Towns adjoining the Town of Elma for notification as per Town Law 239.

If you have any questions, please feel free to contact us.

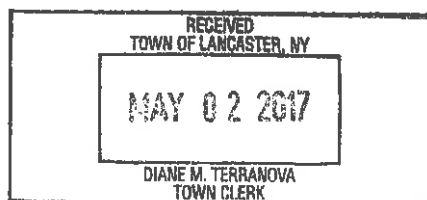
Thank You,

Carol

Copy To

Wendel file

*Carol L. Wittcop*  
Carol L. Wittcop - Project Assistant



*The following Code does not display images or complicated formatting. Codes should be viewed online.  
This tool is only meant for editing.*

## Chapter 123

# Subdivision of Land

**[HISTORY: Adopted by the Town Board of the Town of Elma 4-27-1955; amended in its entirety 7-19-1989 by L.L. No. 1-1989. Amendments noted where applicable.]**

### GENERAL REFERENCES:

Planning Board — See Ch. 29.

Building construction — See Ch. 52.

Flood damage prevention — See Ch. 82.

Mobile home parks — See Ch. 97.

Acreage lot development — See Ch. 100.

Sewers — See Ch. 115.

Site plan review — See Ch. 117.

Stormwater management — See Ch. 120.

Water — See Ch. 140.

Zoning — See Ch. 144.

### Article I

#### Authority for Subdivision Control

##### § 123-1 Authorization of subdivision plat approval.

- ~~A. By ordinance adopted on the second day of February 1955, by the Town Board of the Town of Elma, the Planning Board of the Town was given the authority to recommend approval, approval with modifications or disapproval of a subdivision plat within the Town of Elma.~~
- A. By authority of Town Law Section 276, the Town Board of the Town of Elma authorizes the Planning Board of the Town of Elma to review each plat for land subdivision within the Town and to recommend to the Town Board approval, approval with modifications, or disapproval in accordance with the procedures and standards herein after stated.
- B. This comprehensive amendment of the previously adopted land subdivision regulations allows the Planning Board, in part the authority to recommend approval, approval with modifications or disapproval of subdivision plats within the Town of Elma and to permit the assumption of all other powers and duties related thereto as prescribed by Town Law, Chapter 62 of the Consolidated Laws of the State of New York, with final approval resting with the Town Board. All subdivision plats hereinafter submitted to the Planning Board for approval shall be governed by and subject to the provisions of these amended regulations.

C. In accordance with Article 9 of the Real Property Law, this amendment provides for endorsement of the approved subdivision plat by the Town Board prior to filing with the County Clerk.

~~D. This comprehensive amendment was adopted by the Planning Board of the Town of Elma on January 17, 1984, and approved by the Town Board on July 19, 1989.~~

## Article II Declaration of Policy

§ 123-2 Declaration; objectives.

[Amended 7-10-1996 by L.L. No. 1-1996]

It is declared to be the policy of the Town of Elma Planning Board to consider land subdivision plats as part of a plan for the orderly, economic and efficient future growth and development of the Town. The following objectives may guide the Planning Board's decisions as related to the public health, safety and welfare:

### A. Guidelines.

- (1) Lands to be subdivided and developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- (2) Proper provisions shall be made for water supply, drainage, sewerage and other needed improvements and utilities.
- (3) All proposed development must be so designed as to be in harmony with the development pattern of adjacent properties.
- (4) Proposed streets shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic.
- (5) All development shall be designed to facilitate adequate fire and emergency protection and provide access for firefighting and related equipment.
- (6) Proper provisions may be made for permanent reservations of open spaces for parks and playgrounds and for the protection of natural drainage and significant historical and environmental features.
- (7) Future development may bear a fair share of the capital costs to the Town for municipal improvements servicing such new development.
- (8) Subdivision design should include referencing the information and direction provided in the Town's adopted Comprehensive Plan (the Regional Comprehensive Plan – RCP and/or the most recent Plan).

### B. Requirements.

~~(1) All lots must perk in one inch and 30 minutes or better.~~

- (1) In areas of the Town not having sewers, all lots proposed in a subdivision must have a percolation rate (done in accordance with New York State and Erie County Health Department standards) at a minimum of one inch in 30 minutes or better.
- (2) No septic systems in fill are allowed.

~~(3) All subdivisions shall be Residential A or B, except that, upon the recommendation of the Planning Board to the Town Board and upon the vote of the Town Board, minor subdivision may remain~~



~~Residential C-~~

- (3) Subdivisions are only allowed in the Residential A or Residential B zoning districts. Minor Subdivisions may be allowed in the Residential C zoning district upon recommendation from the Planning Board and approval of the Town Board.
- (4) No more than 30 residences are allowed per farm plot except where public sewers are available.

Article III  
Word Usage and Definitions

§ 123-3 Word usage.

- A. Words used in the present tense include the future.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- C. The word "shall" is always mandatory. The word "may" is permissive.
- D. A "building" or "structure" includes any part thereof. "Building or other structure" includes all other structures of every description, regardless of dissimilarity to conventional building forms.
- E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- F. The word "person" includes a partnership or corporation as well as an individual.
- G. The word "lot" includes the word "plot" or "parcel."
- ~~H. The word "plat" means map or chart.~~
- H. The word "plat" means map or chart.

§ 123-4 Definitions.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

**CLERK OF THE PLANNING BOARD**

That member of the Planning Board who shall be designated to perform the duties of the Clerk of the Planning Board for the purposes of these regulations.

**COLLECTOR STREET**

A street which carries traffic from local streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

**CUL-DE-SAC STREET**

A street with only one means of vehicular ingress and egress and with a turnaround at its terminus.

**DESIGNATED TOWN ENGINEER**

That licensed professional engineer, either employee or consultant, who shall be chosen by the Town Board to perform the duties of the designated Town Engineer for the purposes of these regulations.

**EASEMENT**

An acquired right of use on the property of another for a specified purpose on a designated part of that property.

**IMPROVEMENT**

A physical change to the land or installation of certain services necessary to produce usable and desirable lots, blocks or sites from raw acreage, including but not limited to water and sewer, grading, pavement, curbs, gutters, storm sewers and drains and betterments to existing watercourses, sidewalks, street signs, shade trees, sodding or seeding and monuments.

**~~INTERIOR LOT~~**

~~A lot enclosed on all sides by other lots and not abutting a public street.~~

**LOCAL STREET**

A street intended to serve primarily as access to abutting properties.

**MAJOR ARTERY**

An arterial street which serves or is designated to be used primarily for fast or heavy traffic.

**MARGINAL ACCESS STREET**

A local street which is parallel to and adjacent to a major artery and which provides access to abutting properties and protection from through traffic.

**MASTER PLAN**

A Comprehensive Plan for the general physical development of the Town of Elma, prepared by the Planning Board pursuant to Town Law and which includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**OFFICIAL MAP**

The map which may be established by the Town Board under § 270 of the Town Law showing streets, highways and parks and drainage theretofore laid out, adopted and established by law, and any amendments thereto adopted by the Town Board of additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

**PLANNING BOARD**

The Planning Board of the Town of Elma, Erie County, New York.

**PRELIMINARY PLAT**

The maps, drawings and charts showing the layout of a proposed subdivision, as specified in Article VII, § 123-20, of these regulations submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout and improvements of such proposed subdivision.

**SKETCH PLAN**

A sketch of a proposed subdivision showing the information specified in Article VII, § 123-19, of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and the objectives of these regulations.

**STORMWATER MANAGEMENT OFFICER (SMO)**

An employee or officer designated by the Town to accept and review stormwater pollution prevention plans, forward the plans to the applicable employee, officer, or board of the Town of

Elma, and inspect stormwater management practices, as provided in Chapter 120, Stormwater Management, of this Code.

[Added 4-15-2015 by L.L. No. 2-2015]

#### **STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities, as more particularly described in Chapter 120, Stormwater Management, of this Code.

[Added 4-15-2015 by L.L. No. 2-2015]

#### **STREET**

A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, artery, avenue, boulevard, lane, place, drive or however otherwise designated.

#### **STREET PAVEMENT**

The exposed surface of the roadway used by vehicular traffic.

#### **STREET WIDTH**

The width of the right-of-way or the distance between property lines on the opposite sides of a street, measured at right angles to the center line of such street.

#### **SUBDIVIDER**

Any person, firm, corporation, partnership or association which shall lay out for the purpose of development and/or sale of any subdivision as defined herein, either for himself, itself or for others.

#### **SUBDIVISION**

~~The division of any parcel of land into two or more lots, plots, sites or other division of land other than open space under § 280-A of Town Law or also five-plus acre lots for the purpose, whether immediate or future, of transfer of ownership or building development. Such division shall include resubdivision of parcels of land for which an approved plat has already been filed in the office of the county and which is entirely or partially undeveloped. For the purposes of these Land Subdivision Regulations, a parcel shall be considered already to have been divided into two or more lots by one or more public streets or railroad or utility rights-of-way held in fee simple.~~

The division of any parcel of land into two or more lots, block plots, or sites, with or without new streets or highways, for the purpose of sale, transfer of ownership, or development. It also includes any alteration of lot lines or dimensions of any lots or sites shown a plat previously approved and filed in the office of the County clerk. The definition of a Subdivision excludes lots that are over five acres in size. The Town of Elma also further defines a subdivision as a Minor or Major Subdivision as follows:

##### **A. MINOR SUBDIVISION**

Any subdivision containing not more than four lots, each of said lots being at least the minimum lot area permitted by the Zoning Ordinance, each fronting on an existing street, not involving any new street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel of adjoining properties and not in conflict with any surrounding development or any provision or portion of the Master Plan, Official Map, Zoning Ordinance or these regulations.

##### **B. MAJOR SUBDIVISION**

Any subdivision not classified as a minor subdivision, including but not limited to

Commented [1]: Editor's Note: See Ch. 144, Zoning.

subdivisions of five or more lots or any size subdivision requiring any new street or extension of Town facilities.

#### **SUBDIVISION PLAT or FINAL PLAT**

The final maps, drawings and charts on which the subdivider's plan of subdivision containing all information or detail required by law and by these regulations is presented to the Planning Board for approval and which, if approved, will be submitted to the Erie County Clerk for filing or recording.

#### **SURVEYOR, LAND**

A person licensed as a land surveyor in the State of New York.

### **Article IV Approval Procedure**

#### **§ 123-5 Approval required.**

Whenever any subdivision of land is proposed, and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

#### **§ 123-6 Pre-application and classification.**

~~A. Submission of sketch plan. Any owner of land shall, prior to subdividing land, submit to the Clerk of the Planning Board, at least 10 days prior to the regular meeting of the Planning Board, two copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article VII, § 123-19, of these regulations for purposes of classification and preliminary discussion.~~

A. Submission of a sketch plan: Any owner of land shall, prior to subdividing land, submit to the Town Clerk, at least 10 days prior to the regular meeting of the Town Board, two copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article VII, Section 123-19, of these regulations for the purposes of classification and preliminary discussion. The Town Board shall discuss the application and supply input to the owner. If the Town Board finds that this application is in general accordance with the Town's regulation, they then will refer it to the Planning Board for their input in accordance with the following.

B. Discussion of requirements and classification.

- (1) The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, stormwater management, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information. [Amended 4-15-2015 by L.L. No. 2-2015]
- (2) Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. A notation regarding classification shall be made by the Planning Board directly on the sketch plan. The Planning Board may require, however, when it deems necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Article IV, § 123-7, of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article IV, §§ 123-8 and 123-9.
- C. Study of sketch plan. The Planning Board shall, within 30 days after submission, determine whether the sketch plan meets the objectives of these regulations and specific recommendations to be incorporated by the applicant in the next submission to the Planning Board and, in the case of minor subdivision, obtain review and recommendation from the Town Highway Superintendent, Water Superintendent and Town Engineer.

- D. Pre-application does not require formal application to the Planning Board or payment of a fee, nor does it permit filing of a plat with the County Clerk.

§ 123-7 Minor subdivision plat.

- ~~A. Application and fee. Within six months of a classification by the Planning Board of a proposed subdivision as a minor subdivision, the subdivider shall submit an application for approval of a minor subdivision plat. The plat shall conform to the layout shown on the sketch plan, plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article VII, § 123-18. All applications for plat approval for a minor subdivision shall be accompanied by a fee as set by the Town Board by resolution from time to time.~~
- A. Application and fee. Within six months of a classification by the Planning Board of a proposed subdivision as a minor subdivision, the subdivider shall submit an application for approval of a minor subdivision plat. The plat shall conform to the layout shown on the sketch plan, plus any recommendations made by the Town Board and Planning Board. Said application shall also conform to the requirements listed in Article VII, § 123-18. All applications for plat approval for a minor subdivision shall be accompanied by a fee as set by the Town Board by resolution from time to time.
- B. Number of copies. The application for approval of a minor subdivision plat, complete with seven copies of the subdivision plat, shall be filed with the Clerk of the Planning Board.
- ~~C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the minor subdivision plat.~~
- C. Subdivider to attend Planning Board and Town Board meetings. The Subdivider, or his duly authorized representative, shall attend meetings of the Planning Board and Town Board to discuss the proposed minor subdivision plat.
- D. Approval procedure. [Amended 4-15-2015 by L.L. No. 2-2015]
- ~~(1) Within 45 days from the date of receipt of plans, the Planning Board shall act by resolution on the subdivision plat.~~
- ~~(2) The Planning Board shall either approve, conditionally approve with or without modifications or disapprove the plat. The Board shall specify, in writing, its reasons for any such disapproval.~~
- ~~(3) If a SWPPP was submitted in accordance with § 123-18I of these regulations, the Planning Board shall not approve the plat unless the plat and SWPPP comply with the requirements of Chapter 120 of this Code.~~
- ~~(4) In the event that the Planning Board disapproves or takes no action on the subdivision plat within the 45 days as prescribed above, the Planning Board shall inform the Town Board, in writing, as to the reasons of its inaction or disapproval, and the Town Board shall review the same and shall hold a hearing within 45 days to determine if the inaction or disapproval of the Planning Board is appropriate. The Town Board may then direct appropriate action be taken by the Planning Board. Notwithstanding the foregoing provisions, the time in which the Planning Board must take action may be extended by mutual consent of the owner and the Planning Board.~~
- (1) The Minor Subdivision Application shall be placed on the next available Town Board meeting agenda (submission must take place prior to the deadline for the Town Board Agenda).
- (2) The Town Board shall complete a cursory review of the application (with input from the Building Department) and refer the application to the Planning Board with any comments they have. If warranted, the Town Board could also begin the SEQR process by authorizing a coordinated review.
- (3) The Planning Board, within 62 days of referral of the Plan to them, shall act by resolution on the

application. In the event the Planning Board does not act within the 62 day period, the application will automatically be placed on the next Town Board agenda.

- (4) The Planning Board shall either recommend approval, conditional approval with or without modifications, or disapproval of the plat. The Planning Board may also provide input on SEQR to the Town Board. The Planning Board shall specify in writing its supporting reasons for recommending approval with conditions or disapproval of the minor subdivision.
- (5) The Town Board will receive the recommendation and make a SEQR decision on the Minor Subdivision. If a SEQR Negative Declaration is issued, the Town Board can set a Public Hearing on the application.
- (6) Once the Public Hearing is scheduled, noticed and held in accordance with Town Law, the Town Board can act on the application; approve, approve with conditions, with or without modifications, or disapprove.

#### § 123-8 Major subdivision preliminary plat.

##### A. Application and fees.

~~(1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for consideration with a preliminary plat for the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form prescribed by Article VII, § 123-20, hereof. The preliminary plat shall, in all respects, comply with the requirements of §§ 276 and 277 of the Town Law and as set forth in these regulations, except where a waiver may be specifically authorized by the Planning Board.~~

(1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for consideration with a preliminary plat for the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form prescribed by Article VII, § 123-20, hereof. The preliminary plat shall, in all respects, comply with the requirements of §§ 276 and 277 of the Town Law and as set forth in these regulations, except where a waiver may be specifically authorized by the Town Board.

(2) Payment of a fee shall accompany all applications for approval of a preliminary plat. Plats for commercial, industrial or multifamily developments shall be accompanied by a fee, with a minimum fee for any subdivision application. All fees will be set by resolution of the Town Board from time to time. Fees are not refundable and shall be in addition to fees charged by the Building Inspector or other Town agencies but shall not be duplicated by site plan review fees required under the Zoning Ordinance.

Commented [2]: Editor's Note: The Fees Resolution is on file in the Town Clerk's office and may be inspected during regular business hours.

Commented [3]: Editor's Note: See Ch. 144, Zoning.

~~B. Purpose. The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board. One copy shall later become the official record of the Town Clerk. They show the layout of the subdivision and its public improvement, so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon its design characteristics.~~

B. Purpose. The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Town Board. One copy shall later become the official record of the Town Clerk. They show the layout of the subdivision and its public improvement, so that the Town Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or other commitments

which depend upon its design characteristics.

- C. Number of copies. The application for approval of the preliminary plat, complete with seven paper copies of the preliminary plat, shall be filed with the Clerk of the Planning Board. A proposed submission which does not include all the required drawings and documents shall not be considered for such filing.
- ~~D. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.~~
- D. Subdivider to attend Town Board and Planning Board meetings. The subdivider or their duly authorized representative, shall attend the meeting of the Town Board and Planning Board to discuss the preliminary plat.
- E. Approval procedure.
  - ~~(1) Within 45 days of receipt of the preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing on such preliminary plat.~~
  - ~~(2) Notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing.~~
  - ~~(3) Planning Board action.~~
  - ~~(a) Procedure. [Amended 4-15-2015 by L.L. No. 2-2015]~~
    - ~~[1] Within 45 days from the date of such public hearing, the Planning Board shall act by resolution on the preliminary plat.~~
    - ~~[2] The Planning Board shall either approve, with or without modifications, or disapprove the preliminary plat.~~
    - ~~[3] If a SWPPP was submitted in accordance with § 123-20B(4) of these regulations, the Planning Board shall not approve the preliminary plat unless the plat and SWPPP comply with the requirements of Chapter 120 of this Code.~~
    - ~~[4] Notwithstanding the foregoing provisions, the time in which the Planning Board must take action may be extended by mutual consent of the owner and the Planning Board. In the event that the Planning Board disapproves or takes no action, the Planning Board shall inform the Town Board, in writing, as to the reasons for its inaction or disapproval, and Town Board shall review the same and shall hold a hearing within 45 days to determine if the inaction or disapproval of the Planning Board is appropriate. The Town Board may then direct appropriate action to be taken by the Planning Board.~~
  - ~~(b) When approving a preliminary plat, the Planning Board shall state, in writing, the modifications and/or waivers under Article 9 of the Real Property Law, that, if any, it deems necessary for submission of the plat in final form with respect to:~~
    - ~~[1] The specific changes which it will require in the preliminary plat.~~
    - ~~[2] The character and extent of the required improvements for which waivers may have been specifically requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare.~~
    - ~~[3] The categories of improvement or the amount of all bonds therefor which the Planning Board shall require as a requisite to approval of the final plat.~~

- ~~(e) The action of the Planning Board, plus any conditions attached thereto, shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, one copy shall be retained by the Planning Board and one forwarded to the Town Board through the Town Clerk for preliminary approval, disapproval or modification.~~
- ~~(d) Final plat shall be put in final form and referred back to the Planning Board for review to assure that all additional corrections and modifications have been made. Prior to the approval of the final plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.~~
- (1) Upon receipt of the Preliminary Plat Application by the Town Clerk, the application shall be placed on the next available Town Board agenda.
  - (2) At the Town Board meeting, the Town Board shall review the application, provide input to the applicant, and refer the application to the Planning Board for their review, comment, and recommendation.
  - (3) The Town Board may also begin a SEQR coordinated review process by authorizing the mailing of SEQR Lead Agency documentation to appropriate Interested and Involved Agencies.
  - (4) The application will then be placed on the next available Planning Board meeting agenda.
  - (5) The Planning Board within 62 days of receipt of the referred action, shall by resolution, either recommend to approve, with or without modifications, or recommend to disapprove such preliminary plat. The Planning Board shall also provide input to the Town Board on SEQR.
  - (6) The Town Board, based upon input from the Planning Board and, if requested, other Involved and Interested Agencies, shall act in accordance with the State Environmental Quality Review Act.
  - (7) If the Town Board issues a Negative Declaration or Conditioned Negative Declaration, then the application shall be considered complete and the Town Board shall schedule and hold a Public Hearing within 62 days of the complete application.
  - (8) If the Town Board decides that an Environmental Impact Statement is required, and a public hearing on the Draft Environmental Impact Statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the Notice of Completion of such Draft Environmental Impact Statement in accordance with the provision of the State Environmental Quality Review Act. If no Public Hearing is held on the Draft Environmental Impact Statement, the Public Hearing on the preliminary plat shall be held within 62 days of filing the Notice of Completion.
  - (9) Notice of the Public Hearing shall be advertised at least once in the official newspaper as legally designated by the Elma Town Board at least five (5) days before such hearings (if an EIS is required follow SEQR requirements).
  - (10) Within 62 days from the date of such Public Hearing, the Town Board shall act by resolution of the preliminary plat. The Town Board shall either approve, with or without modifications, or disapprove the preliminary plat.
    - a. Notwithstanding the forgoing provisions, the time in which the Town Board must take action may be extended by mutual consent of the owner and the Town Board.
    - b. When approving the preliminary plat, the Town Board shall state, in writing, the modifications and/or waivers under Article 9 of the Real Property Law, that, if any, it deems necessary for submission of the plat in final form with respect to:



(i) The specific changes which it will require in the preliminary plat.

(ii) The character and extent of the required improvements for which waivers may have been specifically requested and which in its opinion, may be waived without jeopardy to the public health, safety, and general welfare.

(iii) The categories of improvement or the amount of all bonds therefore which the Town Board shall require as a requisite to approval of the final plat.

c. The action of the Town Board, plus any conditions attached thereto, shall be noted on three (3) copies of the preliminary plat. One copy shall be returned to the subdivider, one copy shall be retained by the Planning Board and one forwarded to the Town Board through the Town Clerk for preliminary approval, disapproval, or modification.

**§ 123-9 Major subdivision final plat.**

**A. Application.**

(1) Following approval, with or without modifications, of the preliminary plat, the subdivider shall prepare a final plat, together with all other supplementary documents, in accordance with Article VII, § 123-21, of these regulations.

~~(2) The final plat and other supplementary documents shall be filed with the Clerk of the Planning Board, together with a written application for final approval, within six months after approval, with or without modification, of the preliminary plat, unless such time limit is extended by mutual consent of the applicant and the Planning Board.~~

(2) The final plat and other supplementary documents shall be filed with the Clerk of the Town Board, together with a written application for final approval, within six months after approval, with or without modification, of the preliminary plat, unless such time limit is extended by mutual consent of the applicant and the Town Board.

~~(3) Planning Board action. [Added 4-15-2015 by L.L. No. 2-2015]~~

~~(a) Within 45 days from the date of such public hearing or from the date of submission of the final plat, if no such hearing is held, the Planning Board, by resolution, shall either approve, conditionally approve, with or without modification, or disapprove the final plat and authorize the signing of such plat.~~

~~(b) If a SWPPP was submitted in accordance with § 123-21B(5) of these regulations, the Planning Board shall not approve the final plat unless the plat and SWPPP comply with the requirements of Chapter 120 of this Code.~~

(3) Town Board action.

(a) Within 62 days from the date of such public hearing or from the date of submission of the final plat, if no such hearing is held, the Town Board, by resolution, shall either approve, conditionally approve, with or without modification, or disapprove the final plat and authorize the signing of such plat.

(b) If a SWPPP was submitted in accordance with § 123-21B (5) of these regulations, the Town Board shall not approve the final plat unless the plat and SWPPP comply with the requirements of Chapter 120 of this Code.

~~B. Partial development. If desired by the subdivider, the final plat may consist only of that portion of the approved preliminary plat which is proposed for recording and development at the time, provided that such portion conforms to all applicable requirements of these regulations and that the~~

~~subdivision is being submitted for approval progressively in contiguous sections satisfactory to the Planning Board.~~

- B. Partial development. If desired by the subdivider, the final plat may consist only of that portion of the approved preliminary plat which is proposed for recording and development at the time, provided that such portion conforms to all applicable requirements of these regulations and that the subdivision is being submitted for approval progressively in contiguous sections satisfactory to the Town Board.
- ~~C. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete development of the subdivision proposal. After a public hearing, as required, and approval by the Planning Board, this complete submission along with the performance bond and the general liability insurance policy, as approved by the Town Board, becomes the basis for the construction of the subdivision and the inspection services by the Planning Board and by the Town Engineer or other delegated Town official.~~
- C. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete development of the subdivision proposal. After a public hearing, as required, and approval by the Town Board, this complete submission along with the performance bond and the general liability insurance policy, as approved by the Town Board, becomes the basis for the construction of the subdivision and the inspection services by the Town Board and by the Town Engineer or other delegated Town official or representative.
- D. Number of copies. The application for approval of the final plat, complete with eight copies of the final plat, shall be filed with the Clerk of the Planning Board.
- E. Approval procedure.
- ~~(1) Upon review of the plat in final form by the Planning Board, the subdivision plat shall be signed by the duly authorized person or persons and shall be forwarded to the Town Board for approval, disapproval or modification and signature of the Town Supervisor and Town Clerk, upon resolution of the Town Board.~~
- ~~(2) Within 45 days of the receipt of the final plat by the Clerk of the Planning Board as approved by the Town Board, the Planning Board shall hold a public hearing, if required on such final plat. Such hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under § 123-8 of this article and modified in strict accordance with requirements of such approval, if such preliminary plat has been approved with modifications, the Planning Board may waive by resolution the requirement for such public hearing.~~
- ~~(3) Within 45 days from the date of such public hearing or from the date of submission of the final plat, if no such hearing is held, the Planning Board, by resolution, shall either approve, conditionally approve, with or without modification, or disapprove the final plat and authorize the signing of such plat. Notwithstanding the foregoing provisions, the time in which the Planning Board must take action may be extended by mutual consent of the owner and the Planning Board. In the event that the Planning Board disapproves or takes no action, the Planning Board shall inform the Town Board, in writing, as to the reasons of its inaction or disapproval, and Town Board shall review the same and shall hold a hearing within 45 days to determine if the inaction or disapproval of the Planning Board is appropriate. The Town Board may then direct that appropriate action be taken by the Planning Board.~~
- (1) Upon receipt of the Final Plat Application by the Town Clerk or Clerk of the Planning Board, the application shall be placed on the next available Town Board agenda.

- (2) At the Town Board meeting, the Town Board shall review the application, provide input to the applicant, and refer the application to the Planning Board for their review, comment, and recommendation.
- (3) The application will then be placed on the next available Planning Board meeting agenda.
- (4) The Planning Board within 31 days of receipt of the referred action, shall by resolution, either recommend to approve, with or without conditions, or recommend to disapprove such final plat.
- (5) If recommend for approval, the application shall then be considered complete, and the Town Board, at their next meeting, shall decide if a public hearing is required or not (if the final plat is in substantial conformance with the preliminary plat, then a public hearing may not be required). If a public hearing is required, a public hearing shall be held within 62 days of the complete application.
- (6) If a public hearing is required, a Notice of Public Hearing shall be advertised at least once in a newspaper of general circulation in the Town of Elma at least five (5) days before such hearings.
- (7) Within 62 days from the date of such Public Hearing (or referral by the Planning Board, if no public hearing is held), the Town Board shall act by resolution on the final plat. The Town Board shall either approve, with or without conditions, or disapprove the final plat.
  - a. Notwithstanding the forgoing provisions, the time in which the Town Board must take action may be extended by mutual consent of the applicant and the Town Board.
- (8) Upon signature of all parties, the subdivision plat shall be filed by the applicant in the office of the County Clerk. Any major subdivision plat not so filed or recorded within 60 days of the date upon which such plat is approved or considered approved by reason of failure of the Town Board to act shall become null and void.
- (9) If conditional approval is granted, the Town Board shall empower a duly authorized person or persons to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board (or Town Clerk) as conditionally approved and a copy filed in his office, and a certified copy mailed to the subdivider shall include a statement of requirements which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Town Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for a period not to exceed two additional periods of 90 days each.

~~F. Filing. Upon completion of the requirements in this section and those in §§ 123-11 and 123-12 of Article V and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board upon receipt of notification that the required bond and insurance has had the approval of the Town Attorney. The final plat may then be filed by the applicant in the office of the Erie County Clerk. Planning Board approval of a final plat shall not be deemed an acceptance by the Town of any street or other land shown as offered for cession to public use.~~

F. Filing. Upon completion of the requirements in this section and those in §§ 123-11 and 123-12 of Article V and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Town Board upon receipt of notification that the required bond and insurance has had the approval of the Town Attorney. The final plat may then be filed by the applicant in the office of the Erie County Clerk. Town Board approval of a final plat shall not be deemed an acceptance by the Town of any street or other land shown as offered for cession to public use.

G. Expiration of approval.

- ~~(1) The final approval of a final plat or the certificate of the Town Clerk as to the failure of the Planning Board to act within the time required by law shall expire within 60 days after the date of the Planning Board resolution authorizing the duly designated officer of the Planning Board to sign the drawings, or from the date the certificate is issued unless filing of the plat or a section thereof is accomplished within that time period in the office of the Erie County Clerk in accordance with § 278 of the Town Law.~~
- ~~(2) Expiration of an approval shall mean that any further action shall require payment of a new filing fee, as well as Planning Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void and of no effect.~~
- (1) The final approval of a final plat or the certificate of the Town Clerk as to the failure of the Town Board to act within the time required by law shall expire within 60 days after the date of the Town Board resolution authorizing the duly designated officer of the Town Board to sign the drawings, or from the date the certificate is issued unless filing of the plat or a section thereof is accomplished within that time period in the office of the Erie County Clerk in accordance with § 278 of the Town Law.
- (2) Expiration of an approval shall mean that any further action shall require payment of a new filing fee, as well as Town Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void and of no effect.

- H. Filing in sections. At the time the Town Board grants plat approval, it may permit the plat to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the plat. In accordance with § 276 of the Town Law, the applicant may file a section of the approved plat with the County Clerk. In these circumstances, plat approval on the remaining sections of the plat shall continue in effect for a period of three years from the filing date of the first section. When a plat is filed by section with the County Clerk, the applicant shall, within 30 days, file with the Town Clerk the entire approved preliminary plat. The subdivider shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the County Clerk and the required improvements have been installed and approved in such section or a bond covering the cost of such improvements has been posted.

*The following Code does not display images or complicated formatting. Codes should be viewed online.  
This tool is only meant for editing.*

## Chapter 123

### Subdivision of Land

**[HISTORY: Adopted by the Town Board of the Town of Elma 4-27-1955; amended in its entirety 7-19-1989 by L.L. No. 1-1989. Amendments noted where applicable.]**

#### GENERAL REFERENCES:

Planning Board — See Ch. 29.

Building construction — See Ch. 52.

Flood damage prevention — See Ch. 82.

Mobile home parks — See Ch. 97.

Acreage lot development — See Ch. 100.

Sewers — See Ch. 115.

Site plan review — See Ch. 117.

Stormwater management — See Ch. 120.

Water — See Ch. 140.

Zoning — See Ch. 144.

#### Article I

##### Authority for Subdivision Control

###### § 123-1 Authorization of subdivision plat approval.

~~A. By ordinance adopted on the second day of February 1955, by the Town Board of the Town of Elma, the Planning Board of the Town was given the authority to recommend approval, approval with modifications or disapproval of a subdivision plat within the Town of Elma.~~

A. By authority of Town Law Section 276, the Town Board of the Town of Elma authorizes the Planning Board of the Town of Elma to review each plat for land subdivision within the Town and to recommend to the Town Board approval, approval with modifications, or disapproval in accordance with the procedures and standards herein after stated.

B. This comprehensive amendment of the previously adopted land subdivision regulations allows the Planning Board, in part the authority to recommend approval, approval with modifications or disapproval of subdivision plats within the Town of Elma and to permit the assumption of all other powers and duties related thereto as prescribed by Town Law, Chapter 62 of the Consolidated Laws of the State of New York, with final approval resting with the Town Board. All subdivision plats hereinafter submitted to the Planning Board for approval shall be governed by and subject to the provisions of these amended regulations.

C. In accordance with Article 9 of the Real Property Law, this amendment provides for endorsement of the approved subdivision plat by the Town Board prior to filing with the County Clerk.

~~D. This comprehensive amendment was adopted by the Planning Board of the Town of Elma on January 17, 1984, and approved by the Town Board on July 19, 1989.~~

## Article II Declaration of Policy

§ 123-2 Declaration; objectives.

[Amended 7-10-1996 by L.L. No. 1-1996]

It is declared to be the policy of the Town of Elma Planning Board to consider land subdivision plats as part of a plan for the orderly, economic and efficient future growth and development of the Town. The following objectives may guide the Planning Board's decisions as related to the public health, safety and welfare:

### A. Guidelines.

- (1) Lands to be subdivided and developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- (2) Proper provisions shall be made for water supply, drainage, sewerage and other needed improvements and utilities.
- (3) All proposed development must be so designed as to be in harmony with the development pattern of adjacent properties.
- (4) Proposed streets shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic.
- (5) All development shall be designed to facilitate adequate fire and emergency protection and provide access for firefighting and related equipment.
- (6) Proper provisions may be made for permanent reservations of open spaces for parks and playgrounds and for the protection of natural drainage and significant historical and environmental features.
- (7) Future development may bear a fair share of the capital costs to the Town for municipal improvements servicing such new development.
- (8) Subdivision design should include referencing the information and direction provided in the Town's adopted Comprehensive Plan (the Regional Comprehensive Plan - RCP and/or the most recent Plan).

### B. Requirements.

~~(1) All lots must perk in one inch and 30 minutes or better.~~

- (1) In areas of the Town not having sewers, all lots proposed in a subdivision must have a percolation rate (done in accordance with New York State and Erie County Health Department standards) at a minimum of one inch in 30 minutes or better.

- (2) No septic systems in fill are allowed.

~~(3) All subdivisions shall be Residential A or B, except that, upon the recommendation of the Planning Board to the Town Board and upon the vote of the Town Board, minor subdivision may remain~~

~~Residential C.~~

- (3) Subdivisions are only allowed in the Residential A or Residential B zoning districts. Minor Subdivisions may be allowed in the Residential C zoning district upon recommendation from the Planning Board and approval of the Town Board.
- (4) No more than 30 residences are allowed per farm plot except where public sewers are available.

**Article III**  
**Word Usage and Definitions**

**§ 123-3 Word usage.**

- A. Words used in the present tense include the future.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- C. The word "shall" is always mandatory. The word "may" is permissive.
- D. A "building" or "structure" includes any part thereof. "Building or other structure" includes all other structures of every description, regardless of dissimilarity to conventional building forms.
- E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- F. The word "person" includes a partnership or corporation as well as an individual.
- G. The word "lot" includes the word "plot" or "parcel."

~~H. The word "plat" means map or chart.~~

H. The word "plat" means map or chart.

**§ 123-4 Definitions.**

For the purpose of these regulations, certain words and terms used herein are defined as follows:

**CLERK OF THE PLANNING BOARD**

That member of the Planning Board who shall be designated to perform the duties of the Clerk of the Planning Board for the purposes of these regulations.

**COLLECTOR STREET**

A street which carries traffic from local streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

**CUL-DE-SAC STREET**

A street with only one means of vehicular ingress and egress and with a turnaround at its terminus.

**DESIGNATED TOWN ENGINEER**

That licensed professional engineer, either employee or consultant, who shall be chosen by the Town Board to perform the duties of the designated Town Engineer for the purposes of these regulations.

**EASEMENT**

An acquired right of use on the property of another for a specified purpose on a designated part of that property.

**IMPROVEMENT**

A physical change to the land or installation of certain services necessary to produce usable and desirable lots, blocks or sites from raw acreage, including but not limited to water and sewer, grading, pavement, curbs, gutters, storm sewers and drains and betterments to existing watercourses, sidewalks, street signs, shade trees, sodding or seeding and monuments.

**~~INTERIOR LOT~~**

~~A lot enclosed on all sides by other lots and not abutting a public street.~~

**LOCAL STREET**

A street intended to serve primarily as access to abutting properties.

**MAJOR ARTERY**

An arterial street which serves or is designated to be used primarily for fast or heavy traffic.

**MARGINAL ACCESS STREET**

A local street which is parallel to and adjacent to a major artery and which provides access to abutting properties and protection from through traffic.

**MASTER PLAN**

A Comprehensive Plan for the general physical development of the Town of Elma, prepared by the Planning Board pursuant to Town Law and which includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**OFFICIAL MAP**

The map which may be established by the Town Board under § 270 of the Town Law showing streets, highways and parks and drainage theretofore laid out, adopted and established by law, and any amendments thereto adopted by the Town Board of additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

**PLANNING BOARD**

The Planning Board of the Town of Elma, Erie County, New York.

**PRELIMINARY PLAT**

The maps, drawings and charts showing the layout of a proposed subdivision, as specified in Article VII, § 123-20, of these regulations submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout and improvements of such proposed subdivision.

**SKETCH PLAN**

A sketch of a proposed subdivision showing the information specified in Article VII, § 123-19, of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and the objectives of these regulations.

**STORMWATER MANAGEMENT OFFICER (SMO)**

An employee or officer designated by the Town to accept and review stormwater pollution prevention plans, forward the plans to the applicable employee, officer, or board of the Town of



Elma, and inspect stormwater management practices, as provided in Chapter 120, Stormwater Management, of this Code.

[Added 4-15-2015 by L.L. No. 2-2015]

#### **STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities, as more particularly described in Chapter 120, Stormwater Management, of this Code.

[Added 4-15-2015 by L.L. No. 2-2015]

#### **STREET**

A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, artery, avenue, boulevard, lane, place, drive or however otherwise designated.

#### **STREET PAVEMENT**

The exposed surface of the roadway used by vehicular traffic.

#### **STREET WIDTH**

The width of the right-of-way or the distance between property lines on the opposite sides of a street, measured at right angles to the center line of such street.

#### **SUBDIVIDER**

Any person, firm, corporation, partnership or association which shall lay out for the purpose of development and/or sale of any subdivision as defined herein, either for himself, itself or for others.

#### **SUBDIVISION**

~~The division of any parcel of land into two or more lots, plots, sites or other division of land other than open space under § 280 A of Town Law or also five plus acre lots for the purpose, whether immediate or future, of transfer of ownership or building development. Such division shall include resubdivision of parcels of land for which an approved plat has already been filed in the office of the county and which is entirely or partially undeveloped. For the purposes of these Land Subdivision Regulations, a parcel shall be considered already to have been divided into two or more lots by one or more public streets or railroad or utility rights of way held in fee simple.~~

The division of any parcel of land into two or more lots, block plots, or sites, with or without new streets or highways, for the purpose of sale, transfer of ownership, or development. It also includes any alteration of lot lines or dimensions of any lots or sites shown a plat previously approved and filed in the office of the County clerk. The definition of a Subdivision excludes lots that are over five acres in size. The Town of Elma also further defines a subdivision as a Minor or Major Subdivision as follows:

##### **A. MINOR SUBDIVISION**

Any subdivision containing not more than four lots, each of said lots being at least the minimum lot area permitted by the Zoning Ordinance, each fronting on an existing street, not involving any new street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel of adjoining properties and not in conflict with any surrounding development or any provision or portion of the Master Plan, Official Map, Zoning Ordinance or these regulations.

##### **B. MAJOR SUBDIVISION**

Any subdivision not classified as a minor subdivision, including but not limited to

Commented [1]: Editor's Note: See Ch. 144, Zoning.

subdivisions of five or more lots or any size subdivision requiring any new street or extension of Town facilities.

#### **SUBDIVISION PLAT or FINAL PLAT**

The final maps, drawings and charts on which the subdivider's plan of subdivision containing all information or detail required by law and by these regulations is presented to the Planning Board for approval and which, if approved, will be submitted to the Erie County Clerk for filing or recording.

#### **SURVEYOR, LAND**

A person licensed as a land surveyor in the State of New York.

### **Article IV Approval Procedure**

#### **§ 123-5 Approval required.**

Whenever any subdivision of land is proposed, and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

#### **§ 123-6 Pre-application and classification.**

~~A. Submission of sketch plan. Any owner of land shall, prior to subdividing land, submit to the Clerk of the Planning Board, at least 10 days prior to the regular meeting of the Planning Board, two copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article VII, § 123-19, of these regulations for purposes of classification and preliminary discussion.~~

A. Submission of a sketch plan: Any owner of land shall, prior to subdividing land, submit to the Town Clerk, at least 10 days prior to the regular meeting of the Town Board, two copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article VII, Section 123-19, of these regulations for the purposes of classification and preliminary discussion. The Town Board shall discuss the application and supply input to the owner. If the Town Board finds that this application is in general accordance with the Town's regulation, they then will refer it to the Planning Board for their input in accordance with the following.

#### **B. Discussion of requirements and classification.**

- (1) The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, stormwater management, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information. [Amended 4-15-2015 by L.L. No. 2-2015]
- (2) Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. A notation regarding classification shall be made by the Planning Board directly on the sketch plan. The Planning Board may require, however, when it deems necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Article IV, § 123-7, of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article IV, §§ 123-8 and 123-9.

C. Study of sketch plan. The Planning Board shall, within 30 days after submission, determine whether the sketch plan meets the objectives of these regulations and specific recommendations to be incorporated by the applicant in the next submission to the Planning Board and, in the case of minor subdivision, obtain review and recommendation from the Town Highway Superintendent, Water Superintendent and Town Engineer.

- D. Pre-application does not require formal application to the Planning Board or payment of a fee, nor does it permit filing of a plat with the County Clerk.

§ 123-7 Minor subdivision plat.

- ~~A. Application and fee. Within six months of a classification by the Planning Board of a proposed subdivision as a minor subdivision, the subdivider shall submit an application for approval of a minor subdivision plat. The plat shall conform to the layout shown on the sketch plan, plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article VII, § 123-18. All applications for plat approval for a minor subdivision shall be accompanied by a fee as set by the Town Board by resolution from time to time.~~
- A. Application and fee. Within six months of a classification by the Planning Board of a proposed subdivision as a minor subdivision, the subdivider shall submit an application for approval of a minor subdivision plat. The plat shall conform to the layout shown on the sketch plan, plus any recommendations made by the Town Board and Planning Board. Said application shall also conform to the requirements listed in Article VII, § 123-18. All applications for plat approval for a minor subdivision shall be accompanied by a fee as set by the Town Board by resolution from time to time.
- B. Number of copies. The application for approval of a minor subdivision plat, complete with seven copies of the subdivision plat, shall be filed with the Clerk of the Planning Board.
- ~~C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the minor subdivision plat.~~
- C. Subdivider to attend Planning Board and Town Board meetings. The Subdivider, or his duly authorized representative, shall attend meetings of the Planning Board and Town Board to discuss the proposed minor subdivision plat.
- D. Approval procedure. [Amended 4-15-2015 by L.L. No. 2-2015]
- ~~(1) Within 45 days from the date of receipt of plans, the Planning Board shall act by resolution on the subdivision plat.~~
- ~~(2) The Planning Board shall either approve, conditionally approve with or without modifications or disapprove the plat. The Board shall specify, in writing, its reasons for any such disapproval.~~
- ~~(3) If a SWPPP was submitted in accordance with § 123-181 of these regulations, the Planning Board shall not approve the plat unless the plat and SWPPP comply with the requirements of Chapter 120 of this Code.~~
- ~~(4) In the event that the Planning Board disapproves or takes no action on the subdivision plat within the 45 days as prescribed above, the Planning Board shall inform the Town Board, in writing, as to the reasons of its inaction or disapproval, and the Town Board shall review the same and shall hold a hearing within 45 days to determine if the inaction or disapproval of the Planning Board is appropriate. The Town Board may then direct appropriate action be taken by the Planning Board. Notwithstanding the foregoing provisions, the time in which the Planning Board must take action may be extended by mutual consent of the owner and the Planning Board.~~
- (1) The Minor Subdivision Application shall be placed on the next available Town Board meeting agenda (submission must take place prior to the deadline for the Town Board Agenda).
- (2) The Town Board shall complete a cursory review of the application (with input from the Building Department) and refer the application to the Planning Board with any comments they have. If warranted, the Town Board could also begin the SEQR process by authorizing a coordinated review.
- (3) The Planning Board, within 62 days of referral of the Plan to them, shall act by resolution on the

application. In the event the Planning Board does not act within the 62 day period, the application will automatically be placed on the next Town Board agenda.

- (4) The Planning Board shall either recommend approval, conditional approval with or without modifications, or disapproval of the plat. The Planning Board may also provide input on SEQR to the Town Board. The Planning Board shall specify in writing its supporting reasons for recommending approval with conditions or disapproval of the minor subdivision.
- (5) The Town Board will receive the recommendation and make a SEQR decision on the Minor Subdivision. If a SEQR Negative Declaration is issued, the Town Board can set a Public Hearing on the application.
- (6) Once the Public Hearing is scheduled, noticed and held in accordance with Town Law, the Town Board can act on the application; approve, approve with conditions, with or without modifications, or disapprove.

**§ 123-8 Major subdivision preliminary plat.**

**A. Application and fees.**

~~(1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for consideration with a preliminary plat for the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form prescribed by Article VII, § 123-20, hereof. The preliminary plat shall, in all respects, comply with the requirements of §§ 276 and 277 of the Town Law and as set forth in these regulations, except where a waiver may be specifically authorized by the Planning Board.~~

(1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for consideration with a preliminary plat for the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form prescribed by Article VII, § 123-20, hereof. The preliminary plat shall, in all respects, comply with the requirements of §§ 276 and 277 of the Town Law and as set forth in these regulations, except where a waiver may be specifically authorized by the Town Board.

(2) Payment of a fee shall accompany all applications for approval of a preliminary plat. Plats for commercial, industrial or multifamily developments shall be accompanied by a fee, with a minimum fee for any subdivision application. All fees will be set by resolution of the Town Board from time to time. Fees are not refundable and shall be in addition to fees charged by the Building Inspector or other Town agencies but shall not be duplicated by site plan review fees required under the Zoning Ordinance.

Commented [2]: Editor's Note: The Fees Resolution is on file in the Town Clerk's office and may be inspected during regular business hours.

Commented [3]: Editor's Note: See Ch. 144, Zoning.

~~B. Purpose. The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board. One copy shall later become the official record of the Town Clerk. They show the layout of the subdivision and its public improvement, so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon its design characteristics.~~

B. Purpose. The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Town Board. One copy shall later become the official record of the Town Clerk. They show the layout of the subdivision and its public improvement, so that the Town Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or other commitments

which depend upon its design characteristics.

- C. Number of copies. The application for approval of the preliminary plat, complete with seven paper copies of the preliminary plat, shall be filed with the Clerk of the Planning Board. A proposed submission which does not include all the required drawings and documents shall not be considered for such filing.

~~D. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.~~

- D. Subdivider to attend Town Board and Planning Board meetings. The subdivider or their duly authorized representative, shall attend the meeting of the Town Board and Planning Board to discuss the preliminary plat.

E. Approval procedure.

~~(1) Within 45 days of receipt of the preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing on such preliminary plat.~~

~~(2) Notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing.~~

~~(3) Planning Board action.~~

~~(a) Procedure. [Amended 4-15-2015 by L.L. No. 2-2015]~~

~~[1] Within 45 days from the date of such public hearing, the Planning Board shall act by resolution on the preliminary plat.~~

~~[2] The Planning Board shall either approve, with or without modifications, or disapprove the preliminary plat.~~

~~[3] If a SWPPP was submitted in accordance with § 123-20B(4) of these regulations, the Planning Board shall not approve the preliminary plat unless the plat and SWPPP comply with the requirements of Chapter 120 of this Code.~~

~~[4] Notwithstanding the foregoing provisions, the time in which the Planning Board must take action may be extended by mutual consent of the owner and the Planning Board. In the event that the Planning Board disapproves or takes no action, the Planning Board shall inform the Town Board, in writing, as to the reasons for its inaction or disapproval, and Town Board shall review the same and shall hold a hearing within 45 days to determine if the inaction or disapproval of the Planning Board is appropriate. The Town Board may then direct appropriate action to be taken by the Planning Board.~~

~~(b) When approving a preliminary plat, the Planning Board shall state, in writing, the modifications and/or waivers under Article 9 of the Real Property Law, that, if any, it deems necessary for submission of the plat in final form with respect to:~~

~~[1] The specific changes which it will require in the preliminary plat.~~

~~[2] The character and extent of the required improvements for which waivers may have been specifically requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare.~~

~~[3] The categories of improvement or the amount of all bonds therefor which the Planning Board shall require as a requisite to approval of the final plat.~~

- (e) ~~The action of the Planning Board, plus any conditions attached thereto, shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, one copy shall be retained by the Planning Board and one forwarded to the Town Board through the Town Clerk for preliminary approval, disapproval or modification.~~
- (d) ~~Final plat shall be put in final form and referred back to the Planning Board for review to assure that all additional corrections and modifications have been made. Prior to the approval of the final plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.~~
- (1) Upon receipt of the Preliminary Plat Application by the Town Clerk, the application shall be placed on the next available Town Board agenda.
  - (2) At the Town Board meeting, the Town Board shall review the application, provide input to the applicant, and refer the application to the Planning Board for their review, comment, and recommendation.
  - (3) The Town Board may also begin a SEQR coordinated review process by authorizing the mailing of SEQR Lead Agency documentation to appropriate Interested and Involved Agencies.
  - (4) The application will then be placed on the next available Planning Board meeting agenda.
  - (5) The Planning Board within 62 days of receipt of the referred action, shall by resolution, either recommend to approve, with or without modifications, or recommend to disapprove such preliminary plat. The Planning Board shall also provide input to the Town Board on SEQR.
  - (6) The Town Board, based upon input from the Planning Board and, if requested, other Involved and Interested Agencies, shall act in accordance with the State Environmental Quality Review Act.
  - (7) If the Town Board issues a Negative Declaration or Conditioned Negative Declaration, then the application shall be considered complete and the Town Board shall schedule and hold a Public Hearing within 62 days of the complete application.
  - (8) If the Town Board decides that an Environmental Impact Statement is required, and a public hearing on the Draft Environmental Impact Statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the Notice of Completion of such Draft Environmental Impact Statement in accordance with the provision of the State Environmental Quality Review Act. If no Public Hearing is held on the Draft Environmental Impact Statement, the Public Hearing on the preliminary plat shall be held within 62 days of filing the Notice of Completion.
  - (9) Notice of the Public Hearing shall be advertised at least once in the official newspaper as legally designated by the Elma Town Board at least five (5) days before such hearings (if an EIS is required follow SEQR requirements).
  - (10) Within 62 days from the date of such Public Hearing, the Town Board shall act by resolution of the preliminary plat. The Town Board shall either approve, with or without modifications, or disapprove the preliminary plat.
    - a. Notwithstanding the forgoing provisions, the time in which the Town Board must take action may be extended by mutual consent of the owner and the Town Board.
    - b. When approving the preliminary plat, the Town Board shall state, in writing, the modifications and/or waivers under Article 9 of the Real Property Law, that, if any, it deems necessary for submission of the plat in final form with respect to:

- (i) The specific changes which it will require in the preliminary plat.
  - (ii) The character and extent of the required improvements for which waivers may have been specifically requested and which in its opinion, may be waived without jeopardy to the public health, safety, and general welfare.
  - (iii) The categories of improvement or the amount of all bonds therefore which the Town Board shall require as a requisite to approval of the final plat.
- c. The action of the Town Board, plus any conditions attached thereto, shall be noted on three (3) copies of the preliminary plat. One copy shall be returned to the subdivider, one copy shall be retained by the Planning Board and one forwarded to the Town Board through the Town Clerk for preliminary approval, disapproval, or modification.

**§ 123-9 Major subdivision final plat.**

**A. Application.**

- (1) Following approval, with or without modifications, of the preliminary plat, the subdivider shall prepare a final plat, together with all other supplementary documents, in accordance with Article VII, § 123-21, of these regulations.
- ~~(2) The final plat and other supplementary documents shall be filed with the Clerk of the Planning Board, together with a written application for final approval, within six months after approval, with or without modification, of the preliminary plat, unless such time limit is extended by mutual consent of the applicant and the Planning Board.~~
- (2) The final plat and other supplementary documents shall be filed with the Clerk of the Town Board, together with a written application for final approval, within six months after approval, with or without modification, of the preliminary plat, unless such time limit is extended by mutual consent of the applicant and the Town Board.
- ~~(3) Planning Board action. [Added 4-15-2015 by L.L. No. 2-2015]~~
- ~~(a) Within 45 days from the date of such public hearing or from the date of submission of the final plat, if no such hearing is held, the Planning Board, by resolution, shall either approve, conditionally approve, with or without modification, or disapprove the final plat and authorize the signing of such plat.~~
- ~~(b) If a SWPPP was submitted in accordance with § 123-21B(5) of these regulations, the Planning Board shall not approve the final plat unless the plat and SWPPP comply with the requirements of Chapter 120 of this Code.~~
- (3) Town Board action.
  - (a) Within 62 days from the date of such public hearing or from the date of submission of the final plat, if no such hearing is held, the Town Board, by resolution, shall either approve, conditionally approve, with or without modification, or disapprove the final plat and authorize the signing of such plat.
  - (b) If a SWPPP was submitted in accordance with § 123-21B (5) of these regulations, the Town Board shall not approve the final plat unless the plat and SWPPP comply with the requirements of Chapter 120 of this Code.
- ~~B. Partial development. If desired by the subdivider, the final plat may consist only of that portion of the approved preliminary plat which is proposed for recording and development at the time, provided that such portion conforms to all applicable requirements of these regulations and that the~~

~~subdivision is being submitted for approval progressively in contiguous sections satisfactory to the Planning Board.~~

- B. Partial development. If desired by the subdivider, the final plat may consist only of that portion of the approved preliminary plat which is proposed for recording and development at the time, provided that such portion conforms to all applicable requirements of these regulations and that the subdivision is being submitted for approval progressively in contiguous sections satisfactory to the Town Board.
- ~~C. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete development of the subdivision proposal. After a public hearing, as required, and approval by the Planning Board, this complete submission along with the performance bond and the general liability insurance policy, as approved by the Town Board, becomes the basis for the construction of the subdivision and the inspection services by the Planning Board and by the Town Engineer or other delegated Town official.~~
- C. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete development of the subdivision proposal. After a public hearing, as required, and approval by the Town Board, this complete submission along with the performance bond and the general liability insurance policy, as approved by the Town Board, becomes the basis for the construction of the subdivision and the inspection services by the Town Board and by the Town Engineer or other delegated Town official or representative.
- D. Number of copies. The application for approval of the final plat, complete with eight copies of the final plat, shall be filed with the Clerk of the Planning Board.
- E. Approval procedure.
- ~~(1) Upon review of the plat in final form by the Planning Board, the subdivision plat shall be signed by the duly authorized person or persons and shall be forwarded to the Town Board for approval, disapproval or modification and signature of the Town Supervisor and Town Clerk, upon resolution of the Town Board.~~
- ~~(2) Within 45 days of the receipt of the final plat by the Clerk of the Planning Board as approved by the Town Board, the Planning Board shall hold a public hearing, if required on such final plat. Such hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under § 123-B of this article and modified in strict accordance with requirements of such approval, if such preliminary plat has been approved with modifications, the Planning Board may waive by resolution the requirement for such public hearing.~~
- ~~(3) Within 45 days from the date of such public hearing or from the date of submission of the final plat, if no such hearing is held, the Planning Board, by resolution, shall either approve, conditionally approve, with or without modification, or disapprove the final plat and authorize the signing of such plat. Notwithstanding the foregoing provisions, the time in which the Planning Board must take action may be extended by mutual consent of the owner and the Planning Board. In the event that the Planning Board disapproves or takes no action, the Planning Board shall inform the Town Board, in writing, as to the reasons of its inaction or disapproval, and Town Board shall review the same and shall hold a hearing within 45 days to determine if the inaction or disapproval of the Planning Board is appropriate. The Town Board may then direct that appropriate action be taken by the Planning Board.~~
- (1) Upon receipt of the Final Plat Application by the Town Clerk or Clerk of the Planning Board, the application shall be placed on the next available Town Board agenda.



- (2) At the Town Board meeting, the Town Board shall review the application, provide input to the applicant, and refer the application to the Planning Board for their review, comment, and recommendation.
- (3) The application will then be placed on the next available Planning Board meeting agenda.
- (4) The Planning Board within 31 days of receipt of the referred action, shall by resolution, either recommend to approve, with or without conditions, or recommend to disapprove such final plat.
- (5) If recommend for approval, the application shall then be considered complete, and the Town Board, at their next meeting, shall decide if a public hearing is required or not (if the final plat is in substantial conformance with the preliminary plat, then a public hearing may not be required). If a public hearing is required, a public hearing shall be held within 62 days of the complete application.
- (6) If a public hearing is required, a Notice of Public Hearing shall be advertised at least once in a newspaper of general circulation in the Town of Elma at least five (5) days before such hearings.
- (7) Within 62 days from the date of such Public Hearing (or referral by the Planning Board, if no public hearing is held), the Town Board shall act by resolution on the final plat. The Town Board shall either approve, with or without conditions, or disapprove the final plat.
  - a. Notwithstanding the forgoing provisions, the time in which the Town Board must take action may be extended by mutual consent of the applicant and the Town Board.
- (8) Upon signature of all parties, the subdivision plat shall be filed by the applicant in the office of the County Clerk. Any major subdivision plat not so filed or recorded within 60 days of the date upon which such plat is approved or considered approved by reason of failure of the Town Board to act shall become null and void.
- (9) If conditional approval is granted, the Town Board shall empower a duly authorized person or persons to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board (or Town Clerk) as conditionally approved and a copy filed in his office, and a certified copy mailed to the subdivider shall include a statement of requirements which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Town Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for a period not to exceed two additional periods of 90 days each.

~~F. Filing. Upon completion of the requirements in this section and those in §§ 123-11 and 123-12 of Article V and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board upon receipt of notification that the required bond and insurance has had the approval of the Town Attorney. The final plat may then be filed by the applicant in the office of the Erie County Clerk. Planning Board approval of a final plat shall not be deemed an acceptance by the Town of any street or other land shown as offered for cession to public use.~~

F. Filing. Upon completion of the requirements in this section and those in §§ 123-11 and 123-12 of Article V and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Town Board upon receipt of notification that the required bond and insurance has had the approval of the Town Attorney. The final plat may then be filed by the applicant in the office of the Erie County Clerk. Town Board approval of a final plat shall not be deemed an acceptance by the Town of any street or other land shown as offered for cession to public use.

G. Expiration of approval.

- ~~(1) The final approval of a final plat or the certificate of the Town Clerk as to the failure of the Planning Board to act within the time required by law shall expire within 60 days after the date of the Planning Board resolution authorizing the duly designated officer of the Planning Board to sign the drawings, or from the date the certificate is issued unless filing of the plat or a section thereof is accomplished within that time period in the office of the Erie County Clerk in accordance with § 278 of the Town Law.~~
- ~~(2) Expiration of an approval shall mean that any further action shall require payment of a new filing fee, as well as Planning Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void and of no effect.~~
- (1) The final approval of a final plat or the certificate of the Town Clerk as to the failure of the Town Board to act within the time required by law shall expire within 60 days after the date of the Town Board resolution authorizing the duly designated officer of the Town Board to sign the drawings, or from the date the certificate is issued unless filing of the plat or a section thereof is accomplished within that time period in the office of the Erie County Clerk in accordance with § 278 of the Town Law.
- (2) Expiration of an approval shall mean that any further action shall require payment of a new filing fee, as well as Town Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void and of no effect.

- H. Filing in sections. At the time the Town Board grants plat approval, it may permit the plat to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the plat. In accordance with § 276 of the Town Law, the applicant may file a section of the approved plat with the County Clerk. In these circumstances, plat approval on the remaining sections of the plat shall continue in effect for a period of three years from the filing date of the first section. When a plat is filed by section with the County Clerk, the applicant shall, within 30 days, file with the Town Clerk the entire approved preliminary plat. The subdivider shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the County Clerk and the required improvements have been installed and approved in such section or a bond covering the cost of such improvements has been posted.

**Richard and Laura DeBlasi**

37 Stone Hedge Drive  
Lancaster, NY 14086  
(716) 651-4679

April 25, 2017

Johanna Coleman, Supervisor  
Town of Lancaster  
Lancaster Town Hall  
21 Central Avenue  
Lancaster, NY 14086

*TC - FOR COMM*

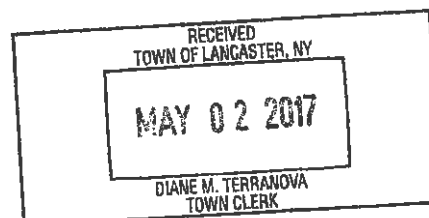
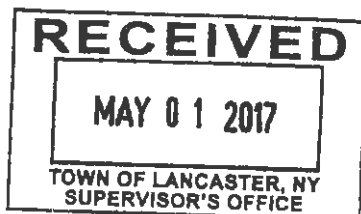
*COPY TO: PLANNING BOARD CHAIR  
T.E.  
CODE ENF. OFFICER  
(X) 5/2/17*

Re: Children's Kastle and The Rock Rezone Request

Dear Johanna:

**First and foremost**, we oppose any rezoning of this parcel on the basis of:

1. **Drainage** being the major issue.
  - We are directly adjacent to a flood zone.
  - Current detention pond closest to our house is being eliminated.
  - Additional flow could affect our yard/basement, nearby pond and then flow to wetlands
  - She has not provided us with any SEQR or DEC documentation
2. Increased **traffic** with no turning lane on Walden is dangerous
3. **Curb cut** on Quail Run would be dangerous to nearby residents/children. There is absolutely no need for this with two curb cuts on Walden and existing cut on Stone Hedge.
4. **RCO** is a better fit for Stonybrook development
  - RCO is for DAYTIME businesses which would have no negative impact on the enjoyment of our backyard.
  - We would welcome any of the businesses listed in RCO or new homes
5. **Street Parking** – we do not want this to turn into a parking nightmare like Frostys. We pay some of the highest taxes in Erie County and we expect to have parking for our guests in front of our home.



Our concerns should this project move forward are:

1. **Fence** - A 6 foot privacy fence is not acceptable. We would want at least 8 foot, board on board with *significant* overlap (NO gaps) and all posts on development side. We do not want anything remotely similar to the fence that went up in Pleasant Meadows.
2. **Landscaping** appears to be minimal. No trees, just a few bushes.
3. **Lights** – The current security lights were STILL shining in our bedroom windows following our March meeting with Mrs. Bartlett. I called NYSEG myself 6 weeks later and entered a request to have them eliminated or adjusted to face downward. Therefore, any new lighting should be a **maximum** of 5 foot high. We cannot trust anything higher will be adjusted properly and not interfere with our quality of life.
4. **Sidewalks** – We believe, in keeping with the spirit of the “Walden Corridor Plan of 2004” – that sidewalks should be installed across the front of the property and both on Quail Run and Stone Hedge. Both patrons and the 15 year old workers would be in a dangerous situation walking in the street to get to the ice cream stand.
5. **Curb cut** – this is the very definition of ridiculousness. She refuses to take this out of her plan. Very shady. She has existing cut on Walden PLUS a new 3 lane cut on Walden. If that is not enough, we suggest the new cut be 4 lanes. AGAIN, the only reason for this cut is because she plans to sell the parcel sooner rather than later and does not want the new business to share her Walden entrances like so many plazas do in the Walden Corridor. She continuously glosses over this by stating the separate Quail Run entrance is *required* which is not true.

This curb cut will create increased traffic through the development from Pleasantview Drive and will be a danger to the young children living nearby.

6. **Future sales** – We believe we also need to be mindful of future development as her actions indicate she is posturing herself to sell off the parcels at some point. Rezoning to Neighborhood Business *along with splitting the parcels* opens a can of worms. At that point, we are at the mercy of whatever she decides. Can the town impose a deed restriction or covenant on this project to protect our future?
7. **Drainage** - proper SEQR studies from the DEC with regard to flood plain, impact on nearby homes, wetlands through Buffalo Creek and including hydric soil testing. I do not believe there has been any prior due diligence in this regard.
8. **Rendering** from our yard – what will the “development” look like with the fence from our perspective? The current plan shows nothing. Why hasn’t she produced a complete rendering showing street views, what will be in the buildings, etc. Again, no prior planning. Rumor has it the ice cream stand will have giant light up cones on each side.

9. **Trust/Integrity** – There has been so much deception. We are two houses from the property. We did not learn of the intended development until another neighbor informed us. Her meeting with the neighbors only took place because the town board *encouraged* her to do so. She refused to provide us with a copy of the recording. She asked for a *private* meeting with the planning board. Thankfully, the board has ethics and the process remains transparent. She provided a stack of form letters of support. None were from the directly affected neighbors (see attached map), a few were from the other side of Stonybrook, but *most* were from miles away – as far away as Lancer Court in Cheektowaga. Very few of her supporters live in the impacted area.

All in all, Mrs. Bartlett has not produced a clear and viable plan for what she intends to do with this site. It is apparent she is all vision and no substance. There has been a complete lack of due diligence. Her rendering is completely devoid of detail. It merely shows 3 buildings, a few bushes, a line where a fence will go and, of course, the *de rigueur* “curb cuts”. For all we know, once it’s rezoned, the bowling alleys, a petting zoo, meth clinic or gun range could be in play.

**We very respectfully request that the rezone is not approved.** Thank you in advance for your consideration.

Sincerely,

Handwritten signatures of Richard and Laura DeBlasi in black ink. The signature for Richard is on top, and the signature for Laura is below it, both written in a cursive style.

Richard and Laura DeBlasi

**15 Year Residents of Stonybrook**





# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**  
*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

May 1, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Planning Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Re-Zone 5680 Broadway Street SBL# 116.05-1-3  
From RCO to M.F.R-310 upscale Units  
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response dated April 27, 2017 from the Erie County Department of Environment and Planning on the above-referenced project for your review.

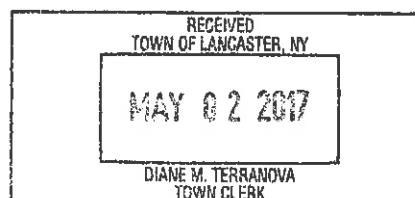
Should you have any questions or concerns, please call me.

Very truly yours,

Kevin E. Loftus, Esq.  
Town Attorney  
KEL:lb

Enc.

CC: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer



**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY  
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to  
Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.  
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: 24-17-226

Received: 3/24/17

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

**Description of Proposed Action**

1. Name of Municipality:	<u>Town of Lancaster</u>			
2. Hearing Schedule:	Date <u>5/1/2017</u>	Time <u>7:15</u>	Location <u>21 Central Avenue, Lancaster</u>	
3. Action is before:	<input checked="" type="checkbox"/> Legislative Body	<input type="checkbox"/> Board of Appeals	<div style="border: 1px solid black; padding: 5px; text-align: center;">RECEIVED TOWN OF LANCASTER, NY MAY 01 2017 Planning Board Ordinance Amendment</div>	
4. Action consists of:	<input type="checkbox"/> New Ordinance	<input checked="" type="checkbox"/> Rezone/Map Change		
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Variance	<input type="checkbox"/> Special Use Permit		<input type="checkbox"/> Other
5. Location of Property:	<input type="checkbox"/> Entire Municipality	<input checked="" type="checkbox"/> Specific as follows		<u>5680 Broadway</u> <u>Lancaster, NY 14086</u>
6. Referral required as Site is within 500' of:	<input type="checkbox"/> State or County Property/Institution	<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> Farm Operation located in an Agricultural District	
<input type="checkbox"/> Expressway	<input type="checkbox"/> County Road	<input checked="" type="checkbox"/> State Highway	<input type="checkbox"/> Proposed State or County Road, Property, Building/Institution, Drainageway	
7. Proposed change or use: (be specific)	<u>Residential Commercial Office to Multi-Family Residential District 3</u>			
8. Other remarks: (ID#, SBL#, etc.)	<u>SBL# 116.05-1-3</u>			
9. Submitted by:	<u>Kevin E. Loftus, Town Attorney</u>	<u>3/24/2017</u>		
<u>21 Central Avenue, Lancaster, New York 14086</u>				

**Reply to Municipality by Erie County Division of Planning**

Receipt of the above-described proposed action is acknowledged on 4/4/17. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Form ZR-3, Comment on Proposed Action is attached hereto.
3. ☐ The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. ☒ No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning:



Date:

4/27/17





# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

May 1, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Planning Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Angry Buffalo; Joseph David Rezone Application & Site Plan #1519  
Wehrle Drive  
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response dated May 1, 2017 from the Erie County Department of Public Works on the above-referenced project for you review.

Should you have any questions or concerns, please call me.

Very truly yours,

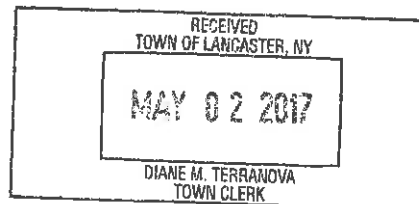
Kevin E. Loftus, Esq.

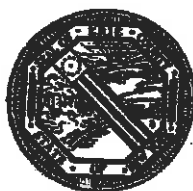
Town Attorney

KEL:lb

Enc.

CC: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer





## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS  
RATH BUILDING 14<sup>TH</sup> FLOOR

CHARLES A. SICKLER, P.E.  
INTERIM COMMISSIONER  
May 1, 2017

RECEIVED  
TOWN OF LANCASTER, N.Y.

MAY 01 2017

TOWN ATTORNEY

TELEPHONE: 716.858.8300  
FAX: 716.858.8228

Mr. Kevin Loftus, Town Attorney  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

Re: Lead Agency Request  
Proposed Angry Buffalo  
2753 Wehrle Drive (CR-290)  
(T) of Lancaster, County of Erie

Dear Mr. Loftus:

This Department has received your request for Lead Agency review for the above referenced project. Erie County Department of Public Works has no problem with the Town of Lancaster being Lead Agency for this project. This approval of Lead Agency is only from Erie County Department of Public Works and does not imply that other County Departments concur with this approval, as their response will be coming by separate letter.

This Department has no concerns with the proposed site plan since no work is proposed within the Wehrle Drive right-of-way and no additional traffic is being generated.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

  
Garrett M. Hacker, P.E.  
Senior Civil Engineer

cc: William Geary, Deputy Commissioner – Highways  
Charles A. Sickler, P.E., Director of Engineering  
Wayne Scibor, P.E., Supervisor of Engineering  
Patrick Baskerville, Senior Highway Maintenance Engineer  
Gina Wilkolaski, Traffic and Safety Engineer  
Mariely Ortiz, Erie County Department of Environment and Planning  
File: CR-290

309

THE  
ASSOCIATION OF TOWNS

OF THE

STATE OF NEW YORK

GERALD K. GEIST  
*Executive Director*

KIMBERLY A. SPLAIN  
*Deputy Director*

150 State Street  
Albany, NY 12207

Telephone  
Area Code 518 - 465-7933  
Fax # 518 - 465-0724

LORI A. MITHEN-DeMASI  
*Counsel*

SARAH B. BRANCATELLA  
*Associate Counsel*

KATHLEEN N. HODGDON  
*Associate Counsel*

April 24, 2017

*Via email and regular mail.*

*TC - FOR Comm*

Dear Supervisor,

Enclosed, please find two memoranda on the Countywide Shared Services Plan. The first of which discusses what you need to know about proposed shared services and transfers of function. The second provides an overview of the data on shared services: what services are shared, obstacles faced and revenue earned. It is our hope that these documents will be of assistance when you attend your countywide meetings. As always, members of the Association can call or email with any questions or concerns you have with the items in the memoranda, your countywide meetings or the plans that are developed in those meetings.

Association of Towns attorneys will be presenting free, live seminars on the Countywide Shared Services legislation at the following times and locations:

Batavia - Monday, May 8  
10:00 AM - Noon  
Holiday Inn Express Batavia  
4356 Commerce Dr, Batavia, NY 14020

Corning - Monday, May 15  
10:00 AM - Noon  
Radisson Hotel  
125 Denison Parkway East, Corning, NY 14830

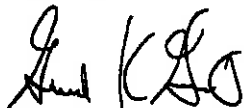
Malta - Wednesday, May 17  
10:00 - Noon  
Hyatt Place Saratoga/Malta  
(Northway Exit 12)  
20 State Farm Place, Malta, NY 12020

DeWitt - Friday, May 19  
10:00 - Noon  
Embassy Suites by Hilton Syracuse  
6646 Old Collamer Rd South, East Syracuse, NY  
13057

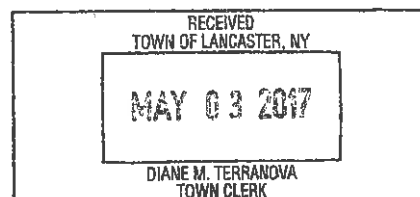
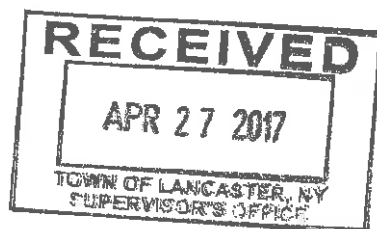
Fishkill - Monday, May 22  
10:00 - Noon  
HYATT House Fishkill/Poughkeepsie,  
100 Westage Business Center Dr, Fishkill, NY 12524

To register, please call our office. For those unable to attend the live events, a video version of the seminar will be available online in the next few weeks. Please visit our web site for more information.

Sincerely,



Gerald K. Geist



## Shared Services: Data to Consider

Two sets of data inform this document. In 2013, Cornell University surveyed New York cities, counties, towns and villages on shared services. Additionally, the state Comptroller tracks annual revenue for certain categories of shared services. The following information may be of value to local officials who are exploring shared services.

### Learning from the Experiences of Others

Survey data shows the following levels of activity in select categories. Lower levels of sharing often reflect lower cost savings and revenue, as seen in the Comptroller data further down:

#### Public Safety

Dispatch/911	69%
Ambulance/EMS	58%
Fire	53%
Police	29%

#### Administrative and Support Services

Tax Assessment	39%
Energy	25%
Health Insurance	12%
Tax Collection	12%
Professional Staff	8%
Information Technology	8%
Building Maintenance	8%
Liability Insurance	6%
Payroll/Bookkeeping	4%

#### Public Works & Transportation

Public transit or paratransit	55%
Roads and highways	48%
Water	38%
Sewer	38%
Refuse, garbage, landfill	26%

#### Economic Development and Planning

Administration and Promotion	37%
Building Code Enforcement	22%
Planning and Zoning	11%

#### Recreation and Social Services

Library	52%
Youth Recreation	49%
Youth Social Services	45%
Senior Services	37%
Parks	17%

Local governments were asked about the obstacles they encountered when seeking to share services:

Liability/risk concerns	85%
Accountability concerns in sharing arrangements	85%
State rules/legal regulations	83%
Local control/community identity	81%
Loss of flexibility in provision options	76%
Job loss/local employment impact	70%
Elected official opposition/politics	66%
Restrictive labor agreements/unionization	65%
Personality conflicts	55%

When asked why shared service arrangements ended, local officials noted:

Problems with accountability	30%	Cheaper to do in-house	19%
Lack of cost savings	25%	Risk/liability concerns	19%
Partner ended relationship	24%	Easier to administer in-house	18%
Change of leadership	24%	Service cut	17%
Problem with service quality	19%		

The survey revealed that forty percent of shared services were in the form of informal understanding. Participants may want to consider converting existing hand-shake arrangements into intermunicipal agreements.

Not all shared service agreements result in dollars saved. Local officials realized savings in the following categories:

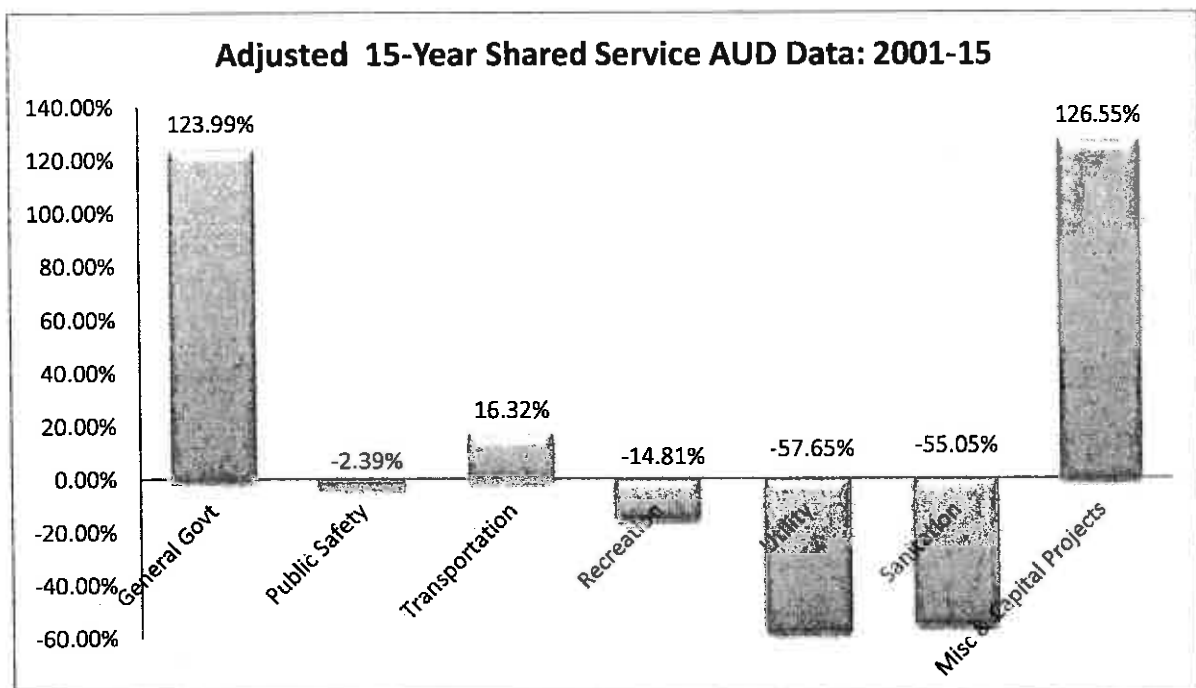
Administrative Support/ Services	70% of those sharing these services realized savings
Public Works & Transportation	53% of those sharing these services realized savings
Economic Development & Planning	51% of those sharing these services realized savings
Public Safety	48% of those sharing these services realized savings
Recreation & Social Service	44% of those sharing these services realized savings

## Revenue

The state Comptroller tracks revenue from 7 general categories of shared services. Here is an explanation of the elements in each of these categories:

1. General Government: general services, election service charges, civil service charges, data processing and equipment cost charge backs to other governments.
2. Public Safety: police services and dog control services.
3. Transportation: snow removal, road services and bridge repairs.
4. Recreation: events, playgrounds and recreation centers, parks, and special recreation facilities.
5. Utility: revenues from charges for utility services rendered to other governments, which may include water services and water rents.
6. Sanitation: providing collection, separation, processing and disposition of solid waste, but may also involve sewer charges.
7. Miscellaneous, capital projects and apportioned charges for joint activities.

When revenue is adjusted for inflation, only 3 of these categories provide positive growth:



## **The Countywide Shared Services Plan**

### **What You Need to Know About Proposed Shared Services and Transfers of Function**

The countywide plan legislation requires local governments to find new, recurring savings attributable to shared services and/or the transfer of functions; therefore, it is essential to understand the basic requirements and differences between the two.

#### **Sharing Services**

Shared services can take several forms such as joint purchasing, sharing equipment, or having a contract where another municipality performs a function on behalf of the town (e.g. one town plows the roads for another town). Whatever form shared services take, the service is still considered a town function and thus the town maintains a large degree of control. General Municipal Law Article 5-g sets forth the procedure to share services, although other statutes may authorize the sharing of a particular service. It requires:

- a written agreement outlining the nature of the services and the obligations of each party;
- the majority of the town board approve the agreement; and
- the term of the agreement cannot exceed five years (although it may be renewed).

#### **Transferring Functions**

Unlike sharing service, transferring functions means that the town is no longer responsible for performing that service or having someone perform it on their behalf. Instead, another municipality takes over that function entirely and the town has no say in how it is done. The procedure to transfer a function between municipalities is significantly more complex and can only be accomplished by:

- an amendment to the county charter or the adoption of a local law by the county legislature or board of supervisors (see Municipal Home Rule Law §§ 33; 33-a); **AND**
- mandatory referendum requirements under Article IX of the New York State Constitution (\*\* Article IX has particular requirements that differ from other mandatory referendum rules\*\*).

A transfer of function is permanent, unlike shared services.

#### **Example**

Sharing services: A town and county enter into an agreement for the county to plow the town's roads. The town can negotiate with the county on how often the town roads should be plowed, the cost for snow plowing services and the level of snow removal. The town can resume plowing its roads if desired if the agreement is terminated or when the agreement expires.

Transferring Functions: Plowing is transferred from a town to the county. The county now makes determinations like: how often town roads are plowed, expenditures on the service, charge-backs, and the level of plowing provided. The town no longer has a say on these items. Plowing is no longer a town function. The transfer of functions is permanent.

**Approving the countywide plan does not automatically create shared services or transfer functions!** Proposals to share services must still be implemented in accordance with General Municipal Law Article 5-g and proposals to transfer functions must be implemented in accordance with Municipal Home Rule Law and the NYS Constitution. (Chapter 59 of the Laws of 2017 Part BBB, §1(9)).

<u>Sharing Services</u>	<u>Transferring Functions</u>
<ul style="list-style-type: none"> <li>• Generally governed by GML Article 5G (may be others)</li> <li>• Requires written contract approved by municipalities involved</li> <li>• 5 Year Contract Limit (can be renewed)</li> <li>• Service remains a town function</li> </ul>	<ul style="list-style-type: none"> <li>• Municipal Home Rule Law §§ 33, 33-a; NYS Constitution, art. IX</li> <li>• Requires county charter change or county local law <u>and</u> a referendum</li> <li>• Permanent</li> <li>• Town no longer has authority to perform service</li> </ul>

**Things to consider when evaluating countywide plan proposals:**

Chargebacks – If a town function is transferred to the county, will the county charge back all of the cost of the function now performed by the county to the town or the town taxpayers?

Costs and Payment for Services - If the county proposes having the town perform a function for the county, will the county pay the town the actual cost to perform the service under the agreement?

Quality of Service - Will the town have any local control over the quality of the services provided or the authority to provide the service locally?

Liability - What liability will the town face through a shared service agreement or the transfer of functions?

Tax Cap Implications - How will the transfer of functions impact a town's tax cap?

How are charge-backs addressed under the tax cap?

State Aid - Will AIM or other state aid be impacted by a transfer of function or a shared service agreement?

Collective Bargaining - How will collective bargaining agreements or other personnel policies be affected?

Enforcement of Local Laws - Will the county enforce town local laws or just state laws if a function is transferred?

Termination of Arrangement - What is the procedure to undo a transfer of function or the sharing of a service?

Service Accessibility - How will the transfer of functions impact service accessibility for town residents?

Employee Management - How will employees performing work under a shared service agreement be managed?

Service Charges - How will service charges be assessed and collected under an intermunicipal agreement?

Property Ownership and Management - How will property or equipment be owned and managed under an intermunicipal agreement?



**VETERANS OF FOREIGN WARS**  
**of**  
**THE UNITED STATES**  
**POST No. 7275**

3741 Walden Avenue • Lancaster, NY 14086 • (716) 681-8387

RECEIVED  
TOWN OF LANCASTER, NY

**MAY -3 2017**

DIANE M. TERRANOVA  
TOWN CLERK

*TC - For Comm*

**MEMORIAL DAY CELEBRATION**  
**MONDAY**  
**MAY 29, 2017**

The Lancaster Veterans of Foreign Wars Post # 7275 cordially invites you to participate in the Memorial Day Services and Parade, Monday May 29, 2017.

The Memorial Service will start at 9:00 A.M. at the Lake Avenue Veterans Park. Following the Services the Parade will assemble and proceed down Lake Avenue on to School Street, then down Pleasant Avenue to Central Avenue and end on Clark Street at the Lancaster Town Hall.

Following the parade ceremonies, refreshments will be served to all participants at the VFW Post Hall, 3741 Walden Avenue, courtesy of the VFW Post # 7275.

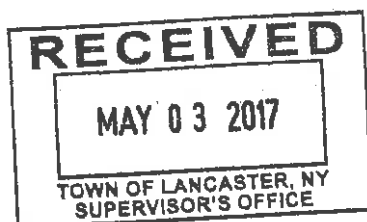
We want to thank you in advance for your help and participation in this event.

Please RSVP to VFW Post # 7275 at 681-8387.

Yours Truly,

*Joe Brunet*

Joe Brunet  
Adjutant





**MARGUCCIO TAX SERVICE**  
236 HIGHLAND PARKWAY  
BUFFALO, NEW YORK 14223  
873-2065

To the Board of Directors of the Lancaster Historical Society:

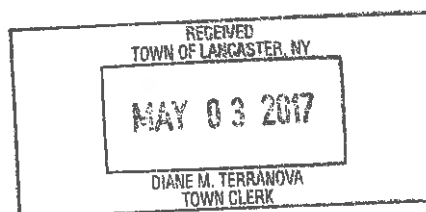
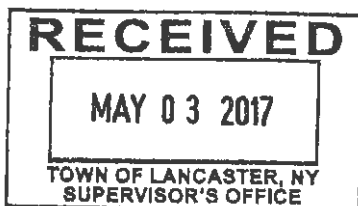
I have compiled the accompanying balance sheet as of December 31, 2015, and the related statements of income and retained earnings. I have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintain internal control relevant to the preparation and fair presentation of the financial statements.

The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.



Joseph D. Marguccio



LANCASTER HISTORICAL SOCIETY  
INCOME STATEMENT  
FOR YEAR ENDED DECEMBER 31 2015

REVENUE:

DONATIONS AND CONTRIBUTIONS	\$16,957
MEMBERSHIP DUES	1,978
INTEREST AND DIVIDEND INCOME	35
FLOWER SALES	2,395
QUILT AND BASKET RAFFLES	2,625
SALE ITEMS	154
MISC INCOME	987
TOTAL REVENUE	<u>\$25,131</u>

EXPENSES:

MUSEUM EXPENSES	\$5,568
CLEANING AND MAINTENANCE	763
INSURANCE EXPENSE	2,238
FLOWER SALE EXPENSE	1,630
OFFICE SUPPLIES	313
PRINTING	295
QUILT RAFFLE EXPENSES	593
SALES TAX	274
COMMUNICATIONS	1,214
NEWSLETTER	570
POSTAGE	449
MISC EXPENSE	50
LANCASTER BOOK DONATION	1,582
TOTAL EXPENSES	<u>\$15,539</u>
NET INCOME	<u><u>\$9,592</u></u>

LANCASTER HISTORICAL SOCIETY  
BALANCE SHEET  
YEAR ENDING DECEMBER 31 2015

ASSETS:

CURRENT ASSETS:

M&T CHECKING	\$7,383
VANGUARD MONEY MARKET	68,877
MTB FUNDS	16,438
M&T CD	188
TOTAL CURRENT ASSETS	<u>\$92,886</u>

PROPERTY AND EQUIPMENT:

MUSEUM IMPROVEMENTS	90,897
---------------------	--------

TOTAL ASSETS	<u><u>\$183,783</u></u>
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LIABILITIES	\$0
-------------	-----

CAPITAL:

UNRESTRICTED FUND BALANCE	75,394
LOUISE KEYSA MEMORIAL FUND	2,860
MUSEUM IMPROVEMENTS BASIS	90,897
RETAINED EARNINGS	5,040
CURRENT YEAR INCOME	9,592
	<u>183,783</u>

TOTAL LIABILITIES AND CAPITAL	<u><u>\$183,783</u></u>
-------------------------------	-------------------------



# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**  
*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

May 3, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Planning Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Upstate Tower Co, LLC #1602  
William-Bowen BUF-653  
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response from the Erie County Department of Public Works dated May 2, 2017 on the above-referenced project for your review.

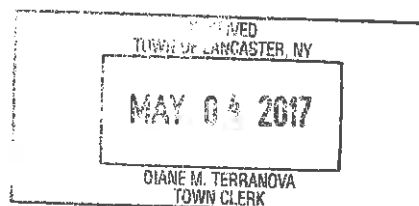
Should you have any questions or concerns, please call me.

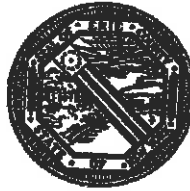
Very truly yours,

Kevin E. Loftus, Esq.  
Town Attorney  
KEL:lb

Enc.

CC: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer





# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

**CHARLES A. SICKLER, P.E.**  
INTERIM COMMISSIONER

DEPARTMENT OF PUBLIC WORKS  
RATH BUILDING 14<sup>TH</sup> FLOOR

TELEPHONE: 716.858.8300  
FAX: 716.858.8228

May 2, 2017

Mr. Kevin Loftus, Town Attorney  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

Re: Lead Agency Request  
5393 William Street (CR-338)  
Up State Tower  
(T) of Lancaster, County of Erie

Dear Mr. Loftus:

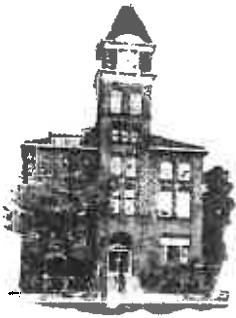
This Department has received your request for Lead Agency for the above referenced project. Erie County Department of Public Works has no problem with the Town of Lancaster being Lead Agency for this project. This approval of Lead Agency is only from Erie County Department of Public Works and does not imply that other County Departments concur with this approval, as their response will be coming by separate letter.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

  
Garrett M. Hacker, P.E.  
Senior Civil Engineer

cc: William Geary, Deputy Commissioner – Highways  
Charles A. Sickler, P.E., Director of Engineering  
Wayne Scibor, P.E., Supervisor of Engineering  
Patrick Baskerville, Senior Highway Maintenance Engineer  
Mariely Ortiz, Erie County Department of Environment and Planning  
File: CR-338



# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**  
*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

May 4, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Planning Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086


RE: Upstate Tower Co, LLC #1602  
William-Bowen BUF-653  
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response from the New York State Department of Environmental Conservation dated May 2, 2017 on the above-referenced project for your review.

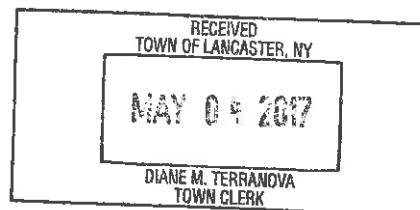
Should you have any questions or concerns, please call me.

Very truly yours,

  
Kevin E. Loftus, Esq.  
Town Attorney  
KEL:lb

Enc.

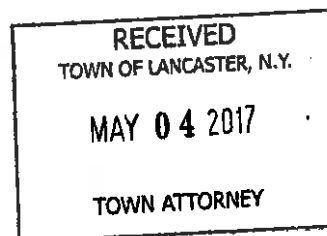
CC: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer



# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
P: (716) 851-7165 | F: (716) 851-7168  
www.dec.ny.gov

May 2, 2017



Mr. Kevin Loftus, Jr.  
Town of Lancaster  
Office of Town Attorney  
21 Central Avenue  
Lancaster, New York 14086

Dear Mr. Loftus:

**Response to SEQR Designation Letter**  
**5393 William Street**  
**Upstate Tower Company #1602**  
**Town of Lancaster, County of Erie**

In response to your April 11, 2017 letter regarding the above-noted, please be advised that the Department has not identified any significant environmental issues.

The Department concurs that the Town of Lancaster should act as the SEQR Lead Agency. Thank you for your cooperation in providing this project information for our review. If you have any questions, please feel free to contact Mr. Bruno DiBella or me at 716/851-7165.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Denk".

David S. Denk  
Regional Permit Administrator



Department of  
Environmental  
Conservation



# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

May 4, 2017

**KEVIN E. LOFTUS, JR.**  
*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

Mr. David Denk  
Regional Administrator  
N.Y.S. DEC  
270 Michigan Avenue  
Buffalo, New York 14203-2999

Mr. Matt Salah  
Coordinator of Construction Projects  
Division of Sewerage Management  
95 Franklin Street  
Buffalo, New York 14202

Mr. Garrett Hacker  
Erie County DPW  
Division of Highway  
95 Franklin Street  
Buffalo, New York 14202

Mr. Ed Rutkowski  
Planner  
NYS DOT  
100 Seneca Street  
Buffalo, New York 14203

Ms. Dolores Funke  
Erie County Health Department  
503 Kensington Avenue  
Buffalo, New York 14214

Ms. Mariely Ortiz  
Review Planner  
Erie County DEP  
95 Franklin Street  
Buffalo, New York 14202

Re: Designation of Lead Agency  
Deep South Taco #1748  
6727 Transit Road  
Town of Lancaster, County of Erie

All:

Please be advised that a private developer has submitted a Site Plan for the renovation of an existing restaurant facility to be used in conformity use as previous use located at 6727 Transit Road (SBL No. 82.03-1-63) on a  $\pm$  1.8 acre parcel and which the Town has determined to be an "Unlisted" Action under SEQRA.

The Town Board of the Town of Lancaster advised the developer that an Application and Environmental Assessment Form (EAF) was to be submitted to the Town of Lancaster in order to commence a review of the proposed project under SEQRA.

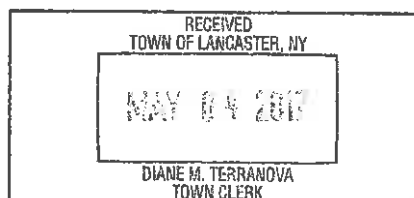
The developer has now submitted the application and EAF and the Town Board of the Town of Lancaster is now notifying all other agencies which may be involved in the approval of this project that within thirty (30) days of the mailing of the enclosed EAF, a lead agency must be designated by agreement among the agencies.

The anticipated impact of this project is primarily of local significance and the Town of Lancaster desires to act as lead agency in investigation and review of the proposed action.

Very truly yours,

Kevin E. Loftus  
Town Attorney  
KEL:lb  
Encs.

cc: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer



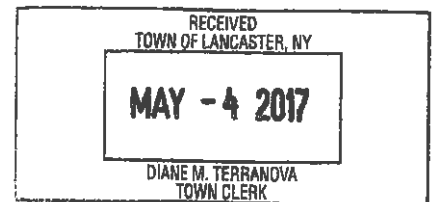




# Town Line Volunteer Fire Department, Inc.

6507 Broadway, Lancaster, New York 14086

716.683.0385



May 1, 2017

*TC- For Comm*

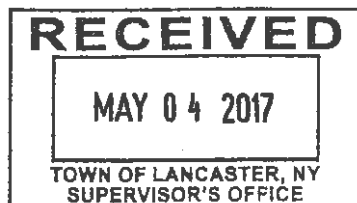
Dear Members of the Town Board:

The Town Line Volunteer Fire Department is planning their annual "Community" Memorial Day Service for Monday, May 29<sup>th</sup>. We would like to invite your group to join us in this service. Our plans for the service are to have a parade from the Fire Hall to the Town Line Lutheran Church, with the parade lining up at 9:15 A.M. and stepping off at 9:30 A.M. We will return to the Fire Hall and conduct the balance of the service to honor those who have given of themselves in service to their country and community. In case of rain or bad weather we will cancel the parade and have the service in the Fire Hall.

I look forward to again greeting you on May 29<sup>th</sup> for our Memorial Day Service.

Sincerely,

*Robert Z Mueller*  
*Chairman*





# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

May 5, 2017

**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

Mr. David Denk  
Regional Administrator  
N.Y.S. DEC  
270 Michigan Avenue  
Buffalo, New York 14203-2999

Mr. Garrett Hacker  
Erie County DPW  
Division of Highway  
95 Franklin Street  
Buffalo, New York 14202

Ms. Dolores Funke  
Erie County Health Department  
503 Kensington Avenue  
Buffalo, New York 14214

Mr. Matt Salah  
Coordinator of Construction Projects  
Division of Sewerage Management  
95 Franklin Street  
Buffalo, New York 14202

Mr. Ed Rutkowski  
Planner  
NYS DOT  
100 Seneca Street  
Buffalo, New York 14203

Mr. Mark Rountree  
Review Planner  
Erie County DEP  
95 Franklin Street  
Buffalo, New York 14202

Re: Coordinated Reveiw  
Site Plan Design #1143 for SBL # 116.05-1-3 Rezone Application  
5680 Broadway  
Town of Lancaster, County of Erie

All:

Please be advised that a private developer has submitted a Site Plan for the construction of conversion of 2 multiple non-conforming lots located at 5680 Broadway on a  $\pm$  4.09 acre parcel.

The Town Board of the Town of Lancaster advised the developer that an Application and Environmental Assessment Form (EAF) was to be submitted to the Town of Lancaster in order to commence a review of the proposed project under SEQRA.

The developer has now submitted the application and EAF and the Town Board of the Town of Lancaster is now notifying all other agencies which may be involved in the approval of this project to review this plan in coordination with the rezone application previously submitted.

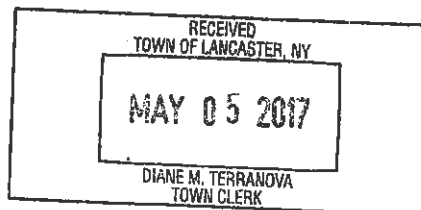
The anticipated impact of this project is primarily of local significance and the Town of Lancaster desires to act as lead agency in investigation and review of the proposed action.

Very truly yours,

*Kevin E. Loftus* 116

Kevin E. Loftus  
Town Attorney  
KEL:lb  
Encs.

cc: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer



Account#	Account Description	Fee Description	Qty	Local Share
A1255	Conservation	Conservation	18	78.01
	Town Clerk Fees	Marriage License Fee	11	192.50
		<b>Sub-Total:</b>		<b>\$270.51</b>
A2401	Interest Savings	Interest Savings	1	4.01
		<b>Sub-Total:</b>		<b>\$4.01</b>
A2540	Racing & Wagering Fees	Bingo Proceeds	29	498.08
		<b>Sub-Total:</b>		<b>\$498.08</b>
A2544	Dog License & Redemption Fees	Dog Redemption	5	180.00
		Exempt Dogs	1	0.00
		Female, Spayed	159	1,908.00
		Female, Unspayed	12	204.00
		Male, Neutered	155	1,860.00
		Male, Unneutered	20	340.00
		Replacement Tags	2	6.00
		Late Fee	38	260.00
	Senior Discount	Senior Discount	54	-432.00
		<b>Sub-Total:</b>		<b>\$4,326.00</b>
A2770	Photos, Street Maps, Zone M&B	Copy Photo Request	13	7.75
		Map - Town	1	3.00
		<b>Sub-Total:</b>		<b>\$10.75</b>
B1560	Safety Inspection Fees	Fire Code	3	150.00
		<b>Sub-Total:</b>		<b>\$150.00</b>
B1603	Vital Statistics Fee	Copy Death Certificate	64	650.00
		Copy Marriage Certificate	9	50.00
		<b>Sub-Total:</b>		<b>\$700.00</b>
B2110	Zoning Fees	Hearing - Zoning Board	10	3,012.00
		Hearing Special Use Permit	2	1,400.00
		Zoning Inspection/Compliance	3	150.00
		<b>Sub-Total:</b>		<b>\$4,562.00</b>
B2555	Building & Alteration Permits	Building	176	19,915.27
		Occupancy	8	560.00
		Plumbing	8	315.00
		Sign	3	85.00
		<b>Sub-Total:</b>		<b>\$20,875.27</b>
ET33-2770	Tree Planting Fees	Tree Planting	8	2,000.00
		<b>Sub-Total:</b>		<b>\$2,000.00</b>
ET37-2770	Recreation Filing Fee	Recreation Filing	8	10,000.00
		<b>Sub-Total:</b>		<b>\$10,000.00</b>
SG2130	Refuse & Garbage Fees	Refuse & Garbage Impact	8	936.86
		<b>Sub-Total:</b>		<b>\$936.86</b>
T0035	PIP & Inspections	PIP Inspections	7	58,643.76

Account#	Account Description	Fee Description	Qty	Local Share
			Sub-Total:	\$58,643.76
			Total Local Shares Remitted:	\$102,977.24
Amount paid to:	NYS Ag. & Markets for spay/neuter program			410.00
Amount paid to:	NYS Dept. of Health Marriage Lic.			247.50
Amount paid to:	NYS Environmental Conservation			1,334.99
Total State, County & Local Revenues:		\$104,969.73	Total Non-Local Revenues:	\$1,992.49

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Diane M. Terranova, Town Clerk, Town of Lancaster during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date



Town Clerk

Date

5/5/17

**Telephone : (716)-683-9028**

## Sales Summary

### Account Details

### Pending Amounts

Current Charges : Net Sales	1,334.99	
Current Charges : Adjustments	0.00	
Current Charges : Non Returned Documents	0.00	
Previously Disputed Transactions (Resolved this period)	0.00	0.00
ACH Failures reported		0.00
ACH Failures Paid (this period)		0.00
ACH Failures Scheduled for Payment (this ACH)	0.00	0.00
<b>Total</b>	<b>1,334.99</b>	<b>0.00</b>

### Pending Amounts

Amount Disputed	0.00	0.00
Disputed Amounts Resolved	0.00	0.00
New ACH Failures Reported		0.00
ACH Failures Paid		0.00
ACH Failures Scheduled for Payment (since 05/01/2017 )	0.00	0.00
<b>Total</b>	<b>0.00</b>	<b>0.00</b>

## Page 1 of 2

<b>Daily Split of the Billing Period :</b>
--

Date	# of Txns	Gross Sales	Commissions	Net Sales
01-APR-17	0	0.00	0.00	0.00
02-APR-17	0	0.00	0.00	0.00
03-APR-17	9	165.00	9.12	155.88
04-APR-17	4	80.00	4.42	75.58
05-APR-17	3	107.00	5.90	101.10
06-APR-17	1	25.00	1.38	23.62
07-APR-17	3	55.00	3.04	51.96
08-APR-17	0	0.00	0.00	0.00
09-APR-17	0	0.00	0.00	0.00
10-APR-17	3	35.00	1.94	33.06
11-APR-17	2	50.00	2.76	47.24
12-APR-17	1	5.00	0.28	4.72
13-APR-17	8	160.00	8.84	151.16
14-APR-17	0	0.00	0.00	0.00
15-APR-17	0	0.00	0.00	0.00
16-APR-17	0	0.00	0.00	0.00
17-APR-17	7	135.00	7.46	127.54
18-APR-17	1	32.00	1.76	30.24
19-APR-17	1	25.00	1.38	23.62
20-APR-17	2	15.00	0.83	14.17
21-APR-17	3	60.00	3.31	56.69
22-APR-17	0	0.00	0.00	0.00
23-APR-17	0	0.00	0.00	0.00
24-APR-17	4	60.00	3.32	56.68
25-APR-17	3	50.00	2.76	47.24
26-APR-17	3	55.00	3.04	51.96
27-APR-17	0	0.00	0.00	0.00
28-APR-17	8	299.00	16.47	282.53
29-APR-17	0	0.00	0.00	0.00
30-APR-17	0	0.00	0.00	0.00
<b>Total :</b>		<b>1,413.00</b>	<b>78.01</b>	<b>1,334.99</b>

## Monthly Report of Marriage Licenses Issued

SEE INSTRUCTIONS AT BOTTOM OF PAGE

Report for the month of	
April	2017
City or Town of	Lancaster
County of	Erie

DEP NO.	_____
\$	_____
Check #	_____

DO NOT WRITE IN ABOVE SPACE

Pursuant to the provisions of Section 15 of the Domestic Relations Law, as last amended by Chapter 62 of the Laws of 2003, I herewith transmit to the State Commissioner of Health a fee of twenty two dollars and fifty cents for each marriage license issued by me during the month covered by this report.

Licenses issued were numbered from 19 to 29 inclusive.

(If ONE license was issued place number in the first space only!)

(If NO licenses were issued write "NONE" in the above space.)

Make remittance by CHECK or  
MONEY ORDER payable to the State  
Department of Health

DO NOT SEND CASH

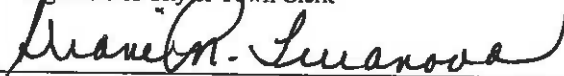
Amount of remittance with this report

\$ 247.50

Name of City or Town Clerk (Please Print)

Diane Terranova

Signature of City or Town Clerk



Date

05/01/2017

Mailing Address

21 Central Ave  
Lancaster, NY 14086

E-mail Address

dterranova@lancasterny.gov

Phone

716 683-9028

### INSTRUCTIONS

THIS MONTHLY REPORT OF MARRIAGE LICENSES ISSUED MUST BE TRANSMITTED TO THE STATE DEPARTMENT OF HEALTH AT THE ABOVE ADDRESS FOR EACH MONTH regardless of whether or not any licenses were issued. If no licenses were issued, indicate NONE in the space provided for license numbers.

The issuance of a marriage license makes you responsible for the remittance fee of \$22.50, regardless of whether or not the marriage ceremony is ever performed.

Marriage licenses must be numbered and reported consecutively throughout the year starting with number 1 at the beginning of EACH calendar year.

Pursuant to the authority of Section 19 of the New York State Domestic Relations Law, the Commissioner of Health has directed that this report, together with any fee must be transmitted to the State Department of Health by the 15th of the month following the month which the report covers.

New York State Domestic Relations Law 22 provides that any Town or City Clerk who violates or fails to comply with any of the above mentioned reporting or filing requirements, shall be deemed guilty of a misdemeanor and shall pay a fine not exceeding the sum of one hundred dollars on conviction thereof.

## STATE OF NEW YORK

DO NOT WRITE IN THIS SPACE

## REPORT OF BINGO FEES COLLECTED

PURSUANT TO CHAPTER 437 &amp; 438, LAWS OF 1962

AMOUNT REC'D. \_\_\_\_\_ ENT. BY \_\_\_\_\_  
REFUND \_\_\_\_\_ CHECKED BY \_\_\_\_\_  
DEPOSITED \_\_\_\_\_ CODE \_\_\_\_\_SHEET NO. 1 OF 1MONTH OF April, 2017NAME OF MUNICIPALITY Town of LancasterCOUNTY ErieP.O. ADDRESS 21 Central Ave, Lancaster, NY 14086

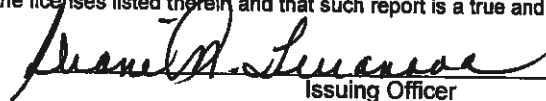
CODE NUMBER \_\_\_\_\_

NAME OF ORGANIZATION	LICENSE NO.	NUMBER OF OCCASIONS	AMOUNT
A.) TOTAL FEES COLLECTED			\$0.00
B.) DELIVERED TO MUNICIPAL TREASURY			\$0.00
C.) TRANSMITTED HERewith TO STATE COMPTROLLER			\$0.00

TOTALS

## CERTIFICATION OF ISSUING OFFICER:

Town Clerk \_\_\_\_\_ of the \_\_\_\_\_ Diane Terranova \_\_\_\_\_, hereby certifies that -he/she is the  
State of New York; that -he/she has prepared the annexed report, issued the licenses listed therein and that such report is a true and correct statement  
of operations for the period which it covers.

  
Issuing Officer

## CERTIFICATION OF REMITTING OFFICER:

Supervisor \_\_\_\_\_ of the \_\_\_\_\_ Johanna M. Coleman \_\_\_\_\_, hereby certifies that -he/she is the  
State of New York; that -he/she has examined the annexed report, that - he/she knows such report to be a true and correct statement of operations for the  
which it covers and that the amount remitted herewith is the full amount payable to the State Comptroller for such period pursuant to Chapter 438 of  
the Laws of 1962, as amended.

Remitting Officer



STATE OF NEW YORK  
REPORT OF GAMES OF CHANCE  
FEES COLLECTED

PURSUANT TO CHAPTER 960, LAWS OF 1976

DO NOT WRITE IN THIS SPACE

AMOUNT REC'D. \_\_\_\_\_ ENT. BY \_\_\_\_\_  
REFUND \_\_\_\_\_ CHECKED BY \_\_\_\_\_  
DEPOSITED \_\_\_\_\_ CODE \_\_\_\_\_

SHEET NO. 1 OF 1

MONTH OF April, 2017

NAME OF MUNICIPALITY Town of Lancaster

COUNTY Erie

P.O. ADDRESS 21 Central Ave, Lancaster, NY 14086

CODE NUMBER \_\_\_\_\_

NAME OF ORGANIZATION	LICENSE NO.	NUMBER OF OCCASIONS	AMOUNT
A.) TOTAL FEES COLLECTED			\$0.00
B.) DELIVERED TO MUNICIPAL TREASURY			\$0.00
C.) TRANSMITTED HERewith TO STATE COMPTROLLER			\$0.00

TOTALS

CERTIFICATION OF ISSUING OFFICER:

Town Clerk \_\_\_\_\_ of the Diane Terranova \_\_\_\_\_, hereby certifies that - he/she is the  
State of New York; that - he/she has prepared the annexed report, issued the licenses listed therein and that such report is a true and correct statement  
of operations for the period which it covers.

Diane Terranova  
Issuing Officer

CERTIFICATION OF REMITTING OFFICER:

Supervisor \_\_\_\_\_ of the Johanna M. Coleman \_\_\_\_\_, hereby certifies that - he/she is the  
State of New York; that - he/she has examined the annexed report, that - he/she knows such report to be a true and correct statement of operations for the  
which it covers and that the amount remitted herewith is the full amount payable to the State Comptroller for such period pursuant to Chapter 960 of  
the Laws of 1976, as amended.

Remitting Officer

From: 4/1/2017  
Erie

To: 4/30/2017  
14

DOG LICENSE MONTHLY REPORT  
Send Copy To: Animal Population Control

05/01/2017  
Diane Terranova  
Town Clerk

Town of Lancaster

17

LICENSE TYPES

AND FEES

Unspay  
Seniors  
Dogs

	314	314	51	Unspayed Statutory Fee (B)	Spayed Statutory Fee (C)	Local Fee (D)	Late Penalty (E)	Spayed Fee (F)	Unspayed Fee (G)
1. Spay/Neuter	32	32	3	32	0.00	@ 12.00	@ 5.00	@ 1.00	NO FEE
2. Unspay/Unneut	32	32	3	32	0.00	@ 17.00	@ 5.00	NO FEE	@ 3.00
3. Exemption	1	1			NO FEE	NO FEE	NO FEE	NO FEE	NO FEE
4. Purebred(1-10)	0	0	0	0	0.00	@ 25.00	@ 5.00	@ 1.00	@ 3.00
5. Purebred(11-25)	0	0	0	0	0.00	@ 50.00	@ 5.00	@ 1.00	@ 3.00
6. Purebred(26+)	0	0	0	0	0.00	@ 100.00	@ 5.00	@ 1.00	@ 3.00
7. TOTALS	347	347	54	32	\$0.00	\$3,880.00	\$260.00	\$314.00	\$96.00

REPLACEMENT AND PUREBRED

TAG ORDERS PROCESSED

	# Each	Column H	Column I (Local)	Column J (Statutory)
8. Replacement Tags	2		Tag Fees	Tag Fees
9. Purebred Tags	0		6.00	0.00
10. TOTALS	2		0.00	0.00
			\$6.00	\$0.00

DISBURSEMENTS (to T.C.V.)

	(to County)	(to Animal Population Control)
12. Local% of 7B + 7C	\$0.00	15. Stat% of 7B + 7C \$0.00
13. Local% of 7D + 7E + 10I	\$4,146.00	16. Stat% of 10J \$0.00
14. Total	\$4,146.00	17. Total \$0.00
Amount paid to: County Treasurer for Dog Licenses.....		\$0.00
Amount paid to: NYS Ag. & Markets for spay/neuter program.....		\$410.00

LICENSE SUMMARY

1. Number of Original Standard Dog Licenses:	49
2. Number of Original Purebred Dog Licenses:	0
3. Number of Standard Renewals (including New Owner Licenses):	298
4. Number of Purebred License Renewals:	0
5. Total of Lines 1-3:	347

05/01/2017

09:49:12

**Mary Nowak**

**Town of Lancaster**

Page: 1

## Miscellaneous Cash Report

**For Transaction Type: Permits**

**For Fee Type: Fire Code**

Date Range: 04/01/2017 to 04/30/2017

Transaction Type	Fee Type	Receipt #	Date	Customer	Qty	Total
Permits	Fire Code	1	04/03/2017	Church, Lancaster Community 520 Ransom Rd	1	\$50.00
Permits	Fire Code	1	04/06/2017	Restaurant, Friendly's 6651 Transit Rd	1	\$50.00
Permits	Fire Code	1	04/25/2017	Club, Variety 6914 Broadway Lancaster, NY 14086	1	\$50.00
					<b>Total Quantity:</b>	<b>3</b>
					<b>Grand Total:</b>	<b>\$150.00</b>

# Register: Building Permit Fees

For Period April 1, 2017

To: April 30, 2017

Pmt No	Building	Plumbing	Occupancy	Signs	Other	Recreation	Trees	Safety	Conservation	Refuse	TOTALS	No Street	Town/Village	Structure
26374	65.00										65.00	18 Home	Town	Re-Roof
26375	40.00										40.00	20 Parkside	Village	Re-Roof
26376	70.00										70.00	8 Worthington	Town	Re-Roof
26377	35.00										35.00	5232 William	Town	Re-Roof
26378	40.00										40.00	427 Westwood	Town	Re-Roof
26379	49.50										49.50	630 Columbia	Town	Er. Res. Add.
26380	25.00										25.00	14 Stephens	Village	Er. Shed
26381	80.00										80.00	9 Windsor Ridge	Town	Re-Roof
26382	70.00										70.00	257 Enchanted Forest	Town	Re-Roof
26383	46.00										46.00	84 Field	Village	Er. Fence
26384	65.00										65.00	30 Aurora	Village	Re-Roof
26385	28.80										28.80	244 Broezel	Town	Er. Deck
26386	60.00										60.00	62 Sterling	Town	Inst. Generator
26387	65.00										65.00	234 Nathan's	Town	Re-Roof
26388	65.00										65.00	157 Nathan's	Town	Re-Roof
26389	145.00										145.00	137 Ransom	Town	Er. Res. Alt.
26390	40.50										40.50	122 Pheasant Run	Town	Er. Fence
26391	208.00										208.00	1 Jonquille	Town	Er. Pool-In Grnd
26392	48.00										48.00	1 Jonquille	Town	Er. Fence

Pmt No	Building	Plumbing	Occupancy	Signs	Other	Recreation	Trees	Safety	Conservation	Refuse	TOTALS	No Street	Town/Village	Structure
26393	40.00										40.00	6412 Broadway	Town	Re-Roof
26394	24.40										24.40	20 Sherborne	Village	Er. Pool-Abv Grnd
26395	110.00										110.00	49 Livingston	Village	Re-Roof
26396	85.00										85.00	68 Avian	Town	Re-Roof
26397	45.00										45.00	14 Fifth	Village	Re-Roof
26398	25.00										25.00	10 Darien	Town	Er. Shed
26399	70.00										70.00	231 Nathan's	Town	Re-Roof
26400	99.00										99.00	3800 Bowen	Town	Er. Res. Add.
26401	42.00										42.00	5 Magrum	Town	Er. Deck
26402	70.00										70.00	1 Pleasant	Village	Er. Comm. Add./Alt
26403	35.70										35.70	3786 Bowen	Town	Er. Fence
26404	30.00										30.00	20 Logan	Town	Er. Deck
26405	25.00										25.00	676 Pleasant View	Town	Er. Shed
26406	34.40										34.40	25 Woodgate	Town	Er. Fence
26407	14.40										14.40	1154 Penora	Town	Er. Deck
26408	80.00										80.00	5 Americo	Town	Re-Roof
26409	50.00										50.00	15 Beutley	Town	Re-Roof
26410	28.00										28.00	17 Biscayne	Town	Er. Pool-Abv Grnd
26411	49.90										49.90	17 Biscayne	Town	Er. Fence
26412	25.00										25.00	94 Elm	Village	Er. Shed
26413	25.00										25.00	39 Benson	Village	Er. Shed

Pmt No	Building	Plumbing	Occupancy	Signs	Other	Recreation	Trees	Safety	Conservation	Refuse	TOTALS	No Street	Town/Village	Structure
26414	30.00										30.00	16 Rose	Town	Re-Roof
26415	100.00	37.50	75.00			1,250.00	250.00			69.40	1,781.90	20 Cherryfield	Town	Er. Dwlg.-Sin.
26416	100.00	37.50	65.00			1,250.00	250.00			69.40	1,771.90	21 Cherryfield	Town	Er. Dwlg.-Sin.
26417	25.00										25.00	181 Westwood	Town	Er. Shed
26418	57.50										57.50	678 Pleasant View	Town	Er. Fence
26419	55.00										55.00	12 Greenmeadow	Town	Re-Roof
26420	45.00										45.00	40 Wren	Village	Re-Roof
26421	28.00										28.00	20 Ravenwood	Town	Er. Pool-Abv Grnd
26422	70.00										70.00	137 Nathan's	Town	Re-Roof
26423	40.00										40.00	540 Erie	Town	Re-Roof
26424	85.00										85.00	704 Hall	Town	Re-Roof
26425	162.40										162.40	16 Arrow	Town	Er. Pool-In Grnd
26426	169.00										169.00	16 Kennedy	Town	Er. Pool-In Grnd
26427	147.40										147.40	15 Sussex	Town	Er. Pool-In Grnd
26428	165.40										165.40	680 Townline	Town	Er. Pool-In Grnd
26429	80.00										80.00	415 Lake	Town	Re-Roof
26430	100.00	37.50	75.00			1,250.00	250.00			69.40	1,781.90	78 Tranquility	Town	Er. Dwlg.-Sin.
26431	70.80										70.80	283 Enchanted Forest	Town	Er. Deck
26432	6,000.00										6,000.00	0 Mohawk	Town	Cell Tower Co-location
26433	171.40										171.40	34 Summerfield	Town	Er. Pool-In Grnd
26434	25.00										25.00	74 Tranquility	Town	Er. Shed

Pmt No	Building	Plumbing	Occupancy	Signs	Other	Recreation	Trees	Safety	Conservation	Refuse	TOTALS	No Street	Town/Village	Structure
26435	32.50										32.50	34 Summerfield	Town	Er. Fence
26436	27.00										27.00	16 Kennedy	Town	Er. Fence
26437	41.60										41.60	680 Townline	Town	Er. Fence
26438	100.00	52.50	65.00			1,250.00	250.00			69.40	1,786.90	25 Cherryfield	Town	Er. Dwlg.-Sin.
26439	32.50										32.50	15 Sussex	Town	Er. Fence
26440	28.00										28.00	141 Robert	Village	Er. Pool-Abv Gmd
26441				15.00							15.00	188 Erie	Village	Er. Sign - Pole
26442	70.00										70.00	2 Avian	Town	Re-Roof
26443	100.00	37.50	65.00			1,250.00	250.00			69.40	1,771.90	27 Cherryfield	Town	Er. Dwlg.-Sin.
26444	25.00										25.00	34 Pear Tree	Town	Er. Shed
26445	31.54										31.54	3666 Bowen	Town	Er. Deck
26446	25.00										25.00	107 Maple	Town	Er. Shed
26447	34.00										34.00	48 Middlebury	Town	Er. Pool-Abv Gmd
26448	172.00										172.00	209 Nathan's	Town	Er. Pool-In Gmd
26449	41.00										41.00	209 Nathan's	Town	Er. Fence
26450	202.00										202.00	6 Cobblestone	Town	Er. Pool-In Gmd
26451	40.00										40.00	6 Cobblestone	Town	Er. Fence
26452	70.00										70.00	15 Sawgrass	Town	Re-Roof
26453	304.00										304.00	5 Sawgrass	Town	Er. Pool-In Gmd
26454	44.00										44.00	5 Sawgrass	Town	Er. Fence
26455	60.00										60.00	15 Avian	Town	Re-Roof

Pmt No	Building	Plumbing	Occupancy	Signs	Other	Recreation	Trees	Safety	Conservation	Refuse	TOTALS	No Street	Town/Village	Structure
26456	95.00										95.00	244 Brozzel	Town	Re-Roof
26457	75.00										75.00	33 Sterling	Town	Re-Roof
26458	80.00										80.00	2 Kelly Ann	Town	Re-Roof
26459	86.40										86.40	8 Livingston	Village	Er. Garage
26460	50.00										50.00	4806 William	Town	Re-Roof
26461	70.00										70.00	18 Lombardy	Village	Re-Roof
26462	35.00										35.00	7 Crawford	Village	Re-Roof
26463	70.00										70.00	96 Kennedy	Town	Re-Roof
26464	25.00										25.00	155 Siebert	Town	Er. Shed
26465	47.70										47.70	37 Greenbriar	Town	Er. Fence
26466	25.00										25.00	3 Sugar Mill	Town	Er. Shed
26467	42.90										42.90	26 Impala	Town	Er. Fence
26468	100.00	37.50	65.00			1,250.00	250.00			196.62	1,899.12	4 Cherryfield	Town	Er. Dwig.-Sin.
26469	41.00										41.00	39 Middlebury	Town	Er. Fence
26470	352.00										352.00	39 Middlebury	Town	Er. Pool-In Grnd
26471				35.00							35.00	480 Aurora	Town	Er. Sign - Temp
26472	39.90										39.90	7 Whitestone	Town	Er. Fence
26473	45.00										45.00	93 Christen	Village	Re-Roof
26474	32.60										32.60	57 Meadow Lea	Town	Er. Fence
26475	95.00										95.00	30 Beatriz	Town	Re-Roof
26476	45.00										45.00	7 Ann Marie	Town	Re-Roof



Pmt No	Building	Plumbing	Occupancy	Signs	Other	Recreation	Trees	Safety	Conservation	Refuse	TOTALS	No Street	Town/Village	Structure
26477	40.00										40.00	39 Sawgrass	Town	Re-Roof
26478	85.00										85.00	8 Thomas	Town	Re-Roof
26479	75.00										75.00	9 Nottingham	Town	Re-Roof
26480	235.00										235.00	5461 Broadway	Village	Re-Roof
26481	30.00										30.00	43 Glendale	Town	Re-Roof
26482	43.70										43.70	92 Aurora	Village	Er. Fence
26483	47.85										47.85	5739 Genesee	Town	Er. Res. Add.
26484	75.00										75.00	5605 Genesee	Town	Re-Roof
26485	75.00										75.00	8 Red Clover	Town	Re-Roof
26486	159.40										159.40	20 Burwell	Village	Er. Pool-In Grnd
26487	39.00										39.00	460 Westwood	Town	Er. Fence
26488	169.00										169.00	460 Westwood	Town	Er. Pool-In Grnd
26489	159.40										159.40	574 Harris Hill	Town	Er. Pool-In Grnd
26490	46.00										46.00	574 Harris Hill	Town	Er. Fence
26491	80.00										80.00	5511 Broadway	Village	Re-Roof
26492	65.00										65.00	34 Ashwood	Town	Re-Roof
26493	55.00										55.00	41 Ashwood	Town	Re-Roof
26494	89.78										89.78	162 Central	Village	Er. Res. Add.
26495	100.00	37.50	75.00			1,250.00	250.00			196.62	1,909.12	19 Cherryfield	Town	Er. Dwlg.-Sin.
26496	100.00	37.50	75.00			1,250.00	250.00			196.62	1,909.12	13 Cherryfield	Town	Er. Dwlg.-Sin.
26497	42.30										42.30	23 Woodlawn	Village	Er. Fence

Pmt No	Building	Plumbing	Occupancy	Signs	Other	Recreation	Trees	Safety	Conservation	Refuse	TOTALS	No Street	Town/Village	Structure
26498	43.00										43.00	24 Crabapple	Town	Er. Fence
26499	159.40										159.40	24 Crabapple	Town	Er. Pool-In Grnd
26500	25.00										25.00	86 Sawyer	Village	Er. Comm. Add./Alt.
26501	25.00										25.00	237 Pleasant View	Town	Er. Shed
26502	2,000.00										2,000.00	6733 Transit	Town	Er. Comm. Add./Alt.
26503	95.00										95.00	15 Heathrow	Town	Re-Roof
26504	65.00										65.00	3 Cloverfield	Town	Re-Roof
26505	363.40										363.40	76 Sterling	Town	Er. Pool-In Grnd
26506	37.20										37.20	11 Signal	Town	Er. Fence
26507	34.20										34.20	318 Broezel	Town	Er. Fence
26508	40.00										40.00	40 Brandel	Village	Dem. Rear Struc.
26509	31.00										31.00	73 Livingston	Village	Er. Fence
26510	25.00										25.00	5 Peachtree	Town	Er. Shed
26511	55.00										55.00	10 Petersbrook	Town	Re-Roof
26512	30.00										30.00	286 Enchanted Forest	Town	Re-Roof
26513	25.00										25.00	2043 Como Park	Village	Er. Garage
26514	40.00										40.00	34 Parkedge	Town	Er. Fence
26515	171.40										171.40	34 Parkedge	Town	Er. Pool-In Grnd
26516	45.00										45.00	26 Beatrice	Town	Inst. Generator
26517	25.00										25.00	37 Chicory	Town	Er. Shed
26518	25.00										25.00	37 Chicory	Town	Er. Shed

Pmt No	Building	Plumbing	Occupancy	Signs	Other	Recreation	Trees	Safety	Conservation	Refuse	TOTALS	No Street	Town/Village	Structure
26519	31.10										31.10	26 Woodlawn	Village	Er. Fence
26520	25.00										25.00	1167 Penora	Town	Er. Shed
26521	55.00										55.00	2 Creekwood	Town	Re-Roof
26522	25.00										25.00	31 Pear Tree	Town	Er. Shed
26523	25.00										25.00	7 Sawgrass	Town	Er. Shed
26524	75.00										75.00	23 Stream View	Town	Re-Roof
26525	10.00										10.00	39 Benson	Village	Er. Pool-Abv Grnd
26526	25.00										25.00	370 Seneca	Town	Er. Shed
26527	60.00										60.00	31 Traceway	Town	Re-Roof
26528	41.80										41.80	123 Southwest	Village	Er. Fence
26529	60.00										60.00	41 Hinchey	Village	Dam. Rear Struc.
26531	170.00										170.00	St Marys	Village	Re-Roof
26532	65.00										65.00	3 Old Schoolhouse	Town	Re-Roof
26533	10.00										10.00	123 Garfield	Village	Er. Shed
26534	25.00										25.00	162 Irwinwood	Village	Er. Shed
26535	25.00										25.00	40 Kurtz	Village	Er. Shed
26536	45.00										45.00	85 Central	Village	Er. Comm. Add./Alt.
26537	70.00										70.00	17 Highland	Village	Re-Roof
26538				35.00							35.00	5813 Broadway	Town	Er. Sign - Temp
26539	35.00										35.00	114 Seneca	Town	Re-Roof
26540	34.40										34.40	17 Ravenwood	Town	Er. Fence

Pmt No	Building	Plumbing	Occupancy	Signs	Other	Recreation	Trees	Safety	Conservation	Refuse	TOTALS	No Street	Town/Village	Structure
26541	40.00										40.00	10 Lucia	Town	Re-Roof
26542	32.00										32.00	138 Belmont	Town	Ex. Fence
26543	70.00										70.00	46 Apple Blossom	Town	Re-Roof
26544	41.00										41.00	404 Schwartz	Town	Ex. Fence
26545	189.40										189.40	404 Schwartz	Town	Ex. Pool-In Grnd
26546	56.50										56.50	5 Pear Tree	Town	Ex. Fence
26547	153.40										153.40	5 Pear Tree	Town	Ex. Pool-In Grnd
26548	65.00										65.00	12 Farnview	Town	Re-Roof
26549	25.00										25.00	23 Pear Tree	Town	Ex. Shed
26550	91.75										91.75	7 Gale	Town	Ex. Res. Add.
26551	39.75										39.75	11 Farnview	Town	Ex. Res. Add.
26552	35.00										35.00	400 Harris Hill	Town	Inst. Generator
26553	80.00										80.00	72 Avian	Town	Re-Roof
<b>Totals</b>	<b>19,915.27</b>	<b>315.00</b>	<b>560.00</b>	<b>85.00</b>		<b>10,000.00</b>	<b>2,000.00</b>			<b>936.86</b>	<b>33,812.13</b>			

# Register: Public Improvement Permit

For Period April 1, 2017 To: April 30, 2017

Date Rec	Pmt #	Sub	Applicant Name	Project Name/Ref	Type of Imp	Inspt Deposit	Estimated Value	Acceptance Date
4/26/2017	767		Fairway Hills Development, LLC - David DePaolo	Summerfield Farms, Phase VI	Pavement & Curbs	11,796.00	\$141,200.00	
4/26/2017	768		Fairway Hills Development, LLC - David DePaolo	Summerfield Farms, Phase VI	Storm Sewer	3,007.60	\$31,345.00	
4/26/2017	769		Fairway Hills Development, LLC - David DePaolo	Summerfield Farms, Phase VI	Water Lines	1,994.80	\$18,685.00	
4/26/2017	770		Fairway Hills Development, LLC - David DePaolo	Summerfield Farms, Phase VI	Sidewalks	972.00	\$5,900.00	
4/26/2017	771		Fairway Hills Development, LLC - David DePaolo	Summerfield Farms, Phase VI - Summerwind	Pavement & Curbs	19,399.20	\$236,240.00	
4/26/2017	772		Fairway Hills Development - David DePaolo	Summerfield Farms, Phase VI - Summerwind	Water Lines	10,343.36	\$123,042.00	
4/26/2017	773		Fairway Hills Development, LLC - David DePaolo	Summerfield Farms, Phase VI - Summerwind	Storm Sewer	11,130.80	\$132,885.00	
<b>Total Deposits</b>						<b>58,643.76</b>		

DATE	CHECKING DEP CASH 4591	CHECKING DEP CASH 4591	CREDIT CARD SALES 4592	TRANSFERRED	INTEREST	PROR MONTHLY BREAKE	TOTAL	WIRE TO SUPERVISOR	TRANSFER TO DEC	CHECK NUMBER	FOR	AMOUNT
4/1/2017						\$33,488.92						
4/2/2017												
4/3/2017	\$329.00	\$508.30		\$63.00		\$900.30						
4/4/2017	\$176.00	\$919.50		\$13.00		\$1,088.50						
4/5/2017	\$217.00	\$48.69		\$68.00		\$333.69						
4/6/2017	\$357.70	\$969.90		\$215.00		\$1,542.60						
4/7/2017	\$101.00	\$177.00		\$53.00		\$381.00		\$31,547.03	\$1,288.39	1710 AGBAHKT		\$481.00
4/8/2017										1711 WSDOH		\$157.50
4/9/2017										1712 GOC		\$15.00
4/10/2017	\$151.00	\$4,516.69				\$4,667.69						
4/11/2017	\$103.00	\$6,496.50		\$45.00		\$6,644.50						
4/12/2017	\$171.00	\$6,656.16		\$5.00		\$6,837.16						
4/13/2017	\$471.54	\$4,165.00		\$50.00		\$4,686.54						
4/14/2017												
4/15/2017												
4/16/2017												
4/17/2017	\$418.40	\$672.87		\$108.00		\$1,199.27						
4/18/2017	\$257.90	\$2,997.62		\$90.00		\$3,345.52						
4/19/2017	\$96.00	\$285.00		\$13.00		\$374.00						
4/20/2017	\$217.00	\$1,263.53				\$1,570.53						
4/21/2017	\$162.00	\$290.16		\$110.00		\$552.16						
4/22/2017												
4/23/2017												
4/24/2017	\$252.75	\$7,685.80		\$13.00		\$7,951.55						
4/25/2017	\$471.10	\$561.40		\$33.00		\$1,065.50						
4/26/2017	\$173.00	\$58,831.76				\$59,004.76						
4/27/2017	\$507.55	\$1,599.19				\$2,106.74						
4/28/2017	\$375.00	\$317.93		\$156.00		\$748.93						
4/29/2017					4.00	\$4.00						
4/30/2017						\$104,969.73						

Civil Engineering  
Environmental Engineering  
Municipal Engineering  
Land Surveying



Project Management  
Construction Support Services  
Landscape Architecture  
SWPPP Services

May 8, 2017

Honorable Town Board  
Town of Lancaster  
Lancaster, NY 14086

Re: Hidden Meadow Subdivision Phase 1  
Pavement & Curb, Storm Sewer, detention Basin and Water Line

Dear Board Members:

The above improvements installed at Hidden Meadow Subdivision Phase 1 have been constructed in accordance with Town specifications.

We therefore recommend that Public Improvement Permit #755 for Phase 1 detention basin, Public Improvement #756 for Phase 1 pavement and curbs, Public Improvement #757 for Phase 1 water line, and Public Improvement Permit #758 for Phase 1 storm sewer be accepted by the Town.

This subdivision includes the following footages of pavement and number of hydrants:

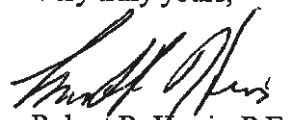
Hidden Meadow Crossing	490 L.F.
Partridge Walk	1350 L.F.

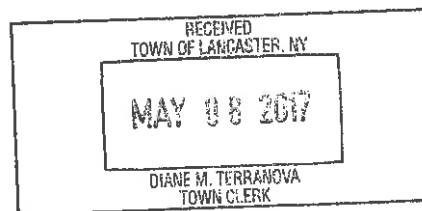
Hydrants	5
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A Public Improvement Permit for street lighting will be required for this subdivision.

If you have any questions or comments please call.

Very truly yours,

  
Robert R. Harris, P.E.  
Town Engineer



Cc Town Clerk  
Town Attorney

17-05-08-06168D-Hidden Meadow Phase 1-TB-1-rrh



DIANE M. TERRANOVA  
*Town Clerk*

# Town of Lancaster

21 CENTRAL AVENUE  
LANCASTER, NEW YORK 14086  
WWW.LANCASTERNY.GOV

CLERK'S OFFICE  
PHONE: (716) 683-9028  
FAX: (716) 683-2094

TAX OFFICE  
PHONE: (716) 683-1328  
FAX: (716) 681-7059

**May 8, 2017**

**Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086**

**Re: 2017 Monthly County Settlement**

**Dear Board Members:**

**Attached, for your review, is a copy of my third settlement payment in the amount of \$115,396.04 to Erie County.**

**If you have any questions, please contact me.**

**Thank you.**

**Sincerely,**

**Diane M. Terranova  
Town Clerk**

**DMT/eas**

**Enclosure**



# Return of Tax Collection

Diane M. Terranova, Town Clerk  
Lancaster, New York

Amount of Check 115,396.04

Pursuant to the requirements of Chapter 812 of the Laws of 1942, I make the following return relative to taxes collected to this date upon the tax roll of the above named municipality.

## Total Amount Due :

Amount of Warrant	44,141,963.01
+ Penalty paid by taxpayers to date	26,059.20
+ Interest paid to taxpayers to date	35.48
+ Parcel Fee paid by taxpayers to date	174.00
+ Excess (Book total over levy)	51.60
- Deficiency (Book total under levy)	
- Unpaid parcel fee	0.00
Total to be collected	<b>44,168,283.29</b>

## Payments :

- Paid to supervisor (Town's share of levy)	21,431,373.11
- Penalty paid to supervisor	26,059.20
- Service Charge- paid parcels	174.00
- Unpaid parcel fee	0.00
- Paid to County previously	19,963,230.60
- Paid to County herewith	115,396.04
- Public Service Corp. payments to County	901,417.96
- School tax payments to County	73,707.57
- Village tax payments to County	0.00
- Miscellaneous tax payments to County	4,150.33
Total Paid	<b>42,515,508.81</b>

## Balance Unpaid

**1,652,774.48**

Respectfully submitted this 5 day of May, 2017 .



The Erie County Tax Act - Section 6-13.0

On the first day of March next succeeding the delivery of the tax rolls to the several collectors and receiver of taxes, or within five days thereafter, each collector and receiver of taxes shall make a return to the Commissioner of Finance of the amount of taxes by him collected, and pay over all moneys due said Commissioner of Finance, and on the first day of April, following or within five days thereafter, shall make a like return and payment; and on the first day of May next succeeding, or within five days, thereafter, shall return the tax roll and make a full, complete and final accounting under oath of all taxes by him so collected, together with a full and correct statement of all unpaid taxes contained in said roll.



TC- FOK COMM

## MEMORANDUM

**DATE:** May 9, 2017

**TO:** Lancaster Town Board  
Lancaster Town Hall  
21 Central Avenue  
Lancaster, NY 14086

**FROM:** Chief Gerald J. Gill, Jr.

**SUBJECT:** Detective Vacancy

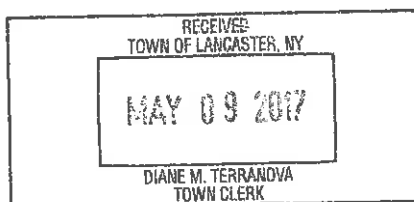
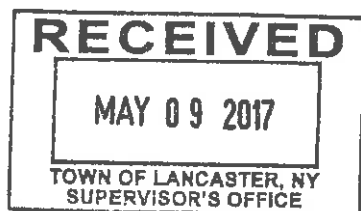
Handwritten signature of Gerald J. Gill, Jr.

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Please be advised that this office has selected Patrol Officer Richard M. Kotlak to fill the existing Detective vacancy created by the retirement of Detective Edward Wojtal.

It is respectfully requested that the Town Board approve this appointment at the next regular meeting with an effective date of June 4, 2017.

GJG:as



May 5, 2017

Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

*TC - For Comm.*

Attention: J. Coleman

Dear Ms. Coleman:

We are writing this letter to request permission to put up school board election signs for Nargis Hossain and Melissa Studley on May 15, 2017 (after potential approval) and May 16, 2017 on the triangular piece of land on Forton Drive and Central Avenue. The signs would be removed after 9pm on May 16, 2017. Thank you for taking the time to consider our request.

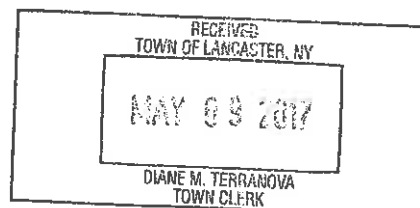
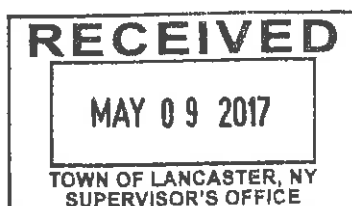
Sincerely,

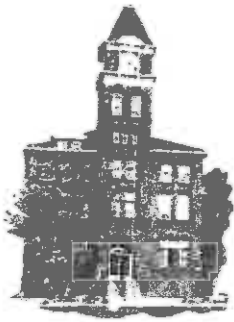


Nargis Hossain



Melissa Studley





# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475


**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

## MEMO

**To:** Supervisor, Town Board Members, Planning Board Members, Building Inspector, Town Engineer, and Town Clerk

**From:** Kevin E. Loftus, Town Attorney 

**Date:** May 9, 2017

**Subject:** **SEQR Review – *Rezone & Site Plan*: 5680 Broadway #1143**

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### PLEASE NOTE:

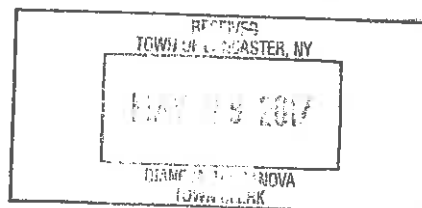
There will be a SEQR Review Meeting regarding the above-referenced projects on **Monday, May 15, 2017 at 6:15 P.M.** in the Town Hall located at 21 Central Avenue, Lancaster, New York.

If you have any questions please feel free to contact this office.

KEL:lb

Enc.

CC: Daniel Baccari (w/o enc.)





# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475


**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**

*Legal Assistant*

## MEMO

**To:** Diane Terranova, Town Clerk  
**From:** Kevin E. Loftus, Town Attorney   
**Date:** May 9, 2017  
**Subject:** Hidden Meadow Subdivision – Phase 1

Dear Ms. Terranova:

Enclosed please find the Maintenance Bonds for the Detention Basin, Pavement and Curb, Water Line, & Storm Sewer public improvements for the Hidden Meadow Subdivision–Phase 1 subdivision for your records.

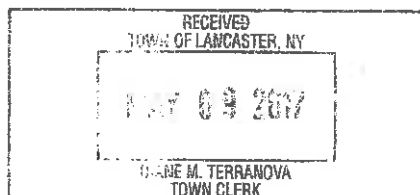
Please prepare a resolution accepting P.I.P. No. 755 (Detention Basin), P.I.P. No. 756 (Pavement and Curb), P.I.P. No. 757 (Water Line), & P.I.P. 758 (Storm Sewer) for the above-referenced subdivision.

If there are any questions, please call.

KEL:lb

Encs.

CC: Robert Harris, Town Engineer (w/enc)



DIANE M. TERRANOVA, TOWN CLERK  
TOWN OF LANCASTER  
21 CENTRAL AVE.  
LANCASTER, N.Y. 14086  
AREA CODE 1-716 683-9028

May 9, 2017

Buffalo News  
Lancaster Correspondent  
1 News Plaza  
Buffalo, New York 14240

Lancaster Bee  
5564 Main St  
Williamsville, New York 14221

**NOTICE OF SPECIAL MEETING OF THE TOWN BOARD AND PLANNING BOARD OF  
THE TOWN OF LANCASTER**

Notice is hereby given that the Municipal Review Committee, comprised of the Town Board and the Planning Board of the Town of Lancaster, will hold a meeting on Monday, May 15, 2017 at 6:15 P.M. at the Town Hall, 21 Central Avenue, Lancaster, New York for the SEQRA Review: Rezone & Site Plan 5680 Broadway.

Thank you for your cooperation in disseminating this information to the public. Please call me at 683-9028 if you have any questions.

Sincerely yours,

OFFICE OF THE TOWN CLERK



Diane M. Terranova, Town Clerk

DMT/dm  
cc: Town Board

**NOTE:** Post on Town Clerk's Bulletin Board

COPY

COPY

COPY

Civil Engineering  
Environmental Engineering  
Municipal Engineering  
Land Surveying



Project Management  
Construction Support Services  
Landscape Architecture  
SWPPP Services

May 10, 2017

Honorable Town Board  
Town of Lancaster  
Lancaster, NY 14086

Re: Cross Creek Subdivision Phase 4  
Street Lighting

Dear Board Members:

The above improvement installed at the Cross Creek Subdivision Phase 4 has been constructed in accordance with Town specifications.

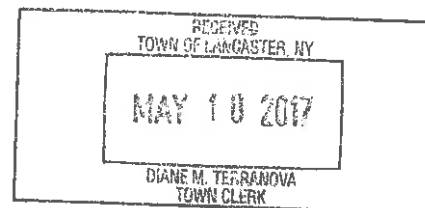
We therefore recommend that Public Improvement Permit #759 for the site lighting be accepted by the Town. The installed lighting consists of nine (9) 50 watt high pressure sodium lights.

If you have any questions or comments please call.

Very truly yours,

Robert R. Harris, P.E.  
Town Engineer

Cc Town Clerk  
Town Attorney



17-05-102-06168D-TB-Cross Creek 4 Lighting-l-rrh

Civil Engineering  
Environmental Engineering  
Municipal Engineering  
Land Surveying



Project Management  
Construction Support Services  
Landscape Architecture  
SWPPP Services

May 10, 2017

Honorable Town Board  
Town of Lancaster  
Lancaster, NY 14086

Re: Cross Creek Subdivision Phase 5  
Street Lighting

Dear Board Members:

The above improvement installed at the Cross Creek Subdivision Phase 5 has been constructed in accordance with Town specifications.

We therefore recommend that Public Improvement Permit #760 for the site lighting be accepted by the Town. The installed lighting consists of six (6) 50 watt high pressure sodium lights.

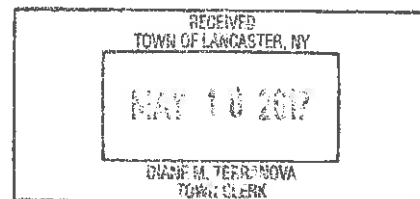
If you have any questions or comments please call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert R. Harris".

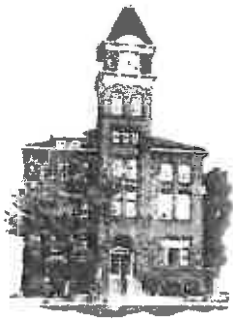
Robert R. Harris, P.E.  
Town Engineer

Cc Town Clerk  
Town Attorney



17-05-102-06168D-TB-Cross Creek 4 Lighting-l-rh





# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**

*Legal Assistant*

May 9, 2017

Mr. David Denk  
Regional Administrator  
N.Y.S. DEC  
270 Michigan Avenue  
Buffalo, New York 14203-2999

Mr. Matt Salah  
Coordinator of Construction Projects  
Division of Sewerage Management  
95 Franklin Street  
Buffalo, New York 14202

Mr. Carl Dimmig  
Erie County DPW  
Division of Highway  
95 Franklin Street  
Buffalo, New York 14202

Mr. Ed Rutkowski  
Planner  
NYS DOT  
100 Seneca Street  
Buffalo, New York 14203

Ms. Dolores Funke  
Erie County Health Department  
503 Kensington Avenue  
Buffalo, New York 14214-2804

Ms. Mariely Otiz  
Review Planner  
Erie County DEP  
95 Franklin Street, 1007  
Buffalo, New York 14202

Re: Designation of Lead Agency  
Preliminary Plat Plan review for  
Summerfield Farms Phase 8 Subdivision #3041  
55 +/- Private Single Family Homes located South of William Street  
Town of Lancaster, County of Erie

All:

Please be advised that a private developer has presented a proposed preliminary plat-plan for the construction of 55+/- private single family homes on +/- 120 acres of land located south of Williams Street, in the Town of Lancaster and which the Town has determined to be an "Unlisted Action" under SEQRA.

The Town Board of the Town of Lancaster advised the developer that an Application and Environmental Assessment Form (EAF) was to be submitted to the Town of Lancaster in order to commence a review of the proposed project under SEQRA.

The developer had previously submitted the application and EAF and the Town Board of the Town of Lancaster is now notifying all other agencies which may be involved in the approval of this project that within thirty (30) days of the mailing of the enclosed EAF, a lead agency must be designated by agreement among the agencies.

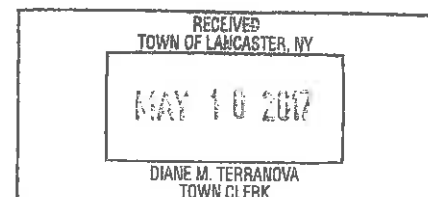
The anticipated impact of this project is primarily of local significance and the Town of Lancaster desires to act as lead agency in investigation and review of the proposed action.

Very truly yours,

Kevin E. Loftus  
Town Attorney  
KEL:lb

Encs.

CC: Supervisor  
Town Clerk  
Code Officer  
Engineer





# Town of Lancaster

**BUILDING DEPARTMENT**  
 21 CENTRAL AVENUE  
 LANCASTER, NEW YORK 14086  
 716-684-4171  
 FAX 685-5317

**TOWN BOARD**  
*Supervisor*  
 Johanna M. Coleman

*Councilmembers*  
 John M. Abraham, Jr.  
 Dawn Gaczewski  
 Ronald Ruffino, Sr.  
 Matthew Walter

5/9/17

The Honorable Town Board  
 Town of Lancaster  
 21 Central Ave.  
 Lancaster, NY 14086

Re: Special Use Permit  
 Basil Chevrolet  
 5067 Transit Rd.

The above mentioned Special Use Permit Application has been review per Chapter 50-46 of the Code of the Town of Lancaster to operate an Automotive Glass and Accessory Installation facility as permitted in a CMS Zoning district.

The Building Dept. recommends approval with stipulations as follows;

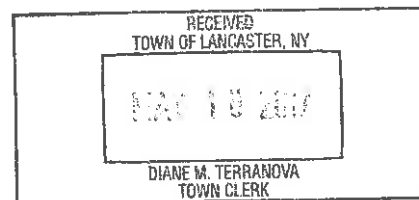
- No new or used car sale displayed on this site.
- Renewal of this permit at 2 year intervals with no cost to the applicant.

Sincerely,

Matt Fischione, Code Enforcement Officer  
 Town of Lancaster Building Department  
 21 Central Avenue  
 Lancaster, NY 14086

MF

Cc: Kevin Loftus, Town Attorney





# Town of Lancaster

**BUILDING DEPARTMENT**  
 21 CENTRAL AVENUE  
 LANCASTER, NEW YORK 14086  
 716-684-4171  
 FAX 685-5317

**TOWN BOARD**  
*Supervisor*  
 Johanna M. Coleman

*Councilmembers*  
 John M. Abraham, Jr.  
 Dawn Gaczewski  
 Ronald Ruffino, Sr.  
 Matthew Walter

5/9/17

The Honorable Town Board  
 Town of Lancaster  
 21 Central Ave.  
 Lancaster, NY 14086

Re: Special Use Permit  
 Basil Chevrolet  
 5071 Transit Rd.

The above mentioned Special Use Permit Application has been review per Chapter 50-46 of the Code of the Town of Lancaster to operate a facility to install Accessories on Automobiles serviced through the Joe Basil Dealerships as permitted in a CMS Zoning district.

The Building Dept. recommends approval with stipulations as follows;

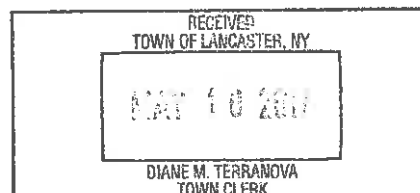
- No new or used car sale displayed on this site.
- Renewal of this permit at 2 year intervals with no cost to the applicant.

Sincerely,

Matt Fischione, Code Enforcement Officer  
 Town of Lancaster Building Department  
 21 Central Avenue  
 Lancaster, NY 14086

MF

Cc: Kevin Loftus, Town Attorney





# Town of Lancaster

**BUILDING DEPARTMENT**  
 21 CENTRAL AVENUE  
 LANCASTER, NEW YORK 14086  
 716-684-4171  
 FAX 685-5317

**TOWN BOARD**  
*Supervisor*  
 Johanna M. Coleman

*Councilmembers*  
 John M. Abraham, Jr.  
 Dawn Gaczewski  
 Ronald Ruffino, Sr.  
 Matthew Walter

5/9/17

The Honorable Town Board  
 Town of Lancaster  
 21 Central Ave.  
 Lancaster, NY 14086

Re: Special Use Permit  
 Basil Chevrolet  
 5111 Transit Rd.

The above mentioned Special Use Permit Application has been review per Chapter 50-46 of the Code of the Town of Lancaster to operate an Automobile Dealership facility as permitted in a CMS Zoning district.

The site is a long standing occupancy that has history through several Local Law amendments. As it exists today, it is coming into compliance with the district requirements in Chapter 50-20 B (1) (j).

The Building Dept. recommends approval with the stipulation as follows;

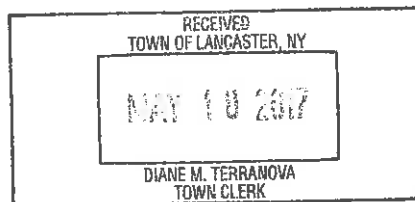
- Renewal of this permit at 2 year intervals with no cost to the applicant.

Sincerely,

Matt Fischione, Code Enforcement Officer  
 Town of Lancaster Building Department  
 21 Central Avenue  
 Lancaster, NY 14086

MF

Cc: Kevin Loftus, Town Attorney





# Town of Lancaster

**BUILDING DEPARTMENT**  
21 CENTRAL AVENUE  
LANCASTER, NEW YORK 14086  
716-684-4171  
FAX 685-5317

**TOWN BOARD**  
*Supervisor*  
Johanna M. Coleman

*Councilmembers*  
John M. Abraham, Jr.  
Dawn Gaczewski  
Ronald Ruffino, Sr.  
Matthew Walter

5/9/17

The Honorable Town Board  
Town of Lancaster  
21 Central Ave.  
Lancaster, NY 14086

Re: Special Use Permit  
Basil Chevrolet  
5123 Transit Rd.

The above mentioned Special Use Permit Application has been review per Chapter 50-46 of the Code of the Town of Lancaster to operate a Kwik Lube and Carwash facility as permitted in a CMS Zoning district.

The site was approved for redevelopment on April 20, 2015 as it exists today.

The Building Dept. recommends approval with stipulations as follows;

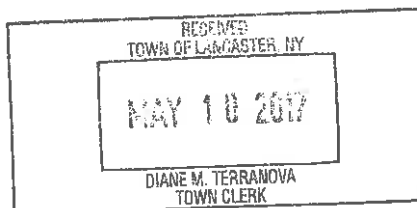
- No new or used car sale displayed on this site.
- Renewal of this permit at 2 year intervals with no cost to the applicant.
- The 3 separate parcels of the location are to be combined and filed as one tax parcel. (SBL#s 115.05-2-45.1, 115.05-2-47 & 115.05-2-48)

Sincerely,

Matt Fischione, Code Enforcement Officer  
Town of Lancaster Building Department  
21 Central Avenue  
Lancaster, NY 14086

MF

Cc: Kevin Loftus, Town Attorney



**SUPERVISOR**  
Johanna M. Coleman

**COUNCIL MEMBERS**

John M. Abraham Jr.  
Dawn Gaczewski  
Ronald Ruffino Sr  
Matthew Walter



Department of Parks,  
Recreation & Forestry

**Park Crew Chief**  
Mark D. Lubera

525 Pavement Road  
Lancaster, NY 14086  
716-684-3320 phone  
716-685-3497 fax

May 9, 2017

*TC - FOK Comm*

Supervisor Johanna Coleman and  
Council Members  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

Dear Supervisor Coleman and Honorable Council Members:

I respectfully request a resolution be prepared to allow for the work that needs to be done at the Keysa Park pool to officially go out to bid at the board meeting of May 15, 2017.

The funds for this project will be taken out of the Recreation Filing fees.

If you have any questions or concerns, please contact me at your convenience.

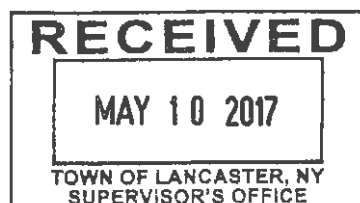
Respectfully submitted,

*Mark D. Lubera*

Mark D. Lubera  
Park Crew Chief

MDL:jw

Cc: Kevin Loftus, Town Attorney  
Dave Brown, Director of Administration of Finance  
Dan Amatura, Highway Superintendent



333



# Town of Lancaster

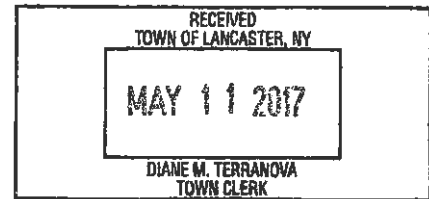
**BUILDING DEPARTMENT**  
21 CENTRAL AVENUE  
LANCASTER, NEW YORK 14086  
716-684-4171  
FAX 685-5317

**TOWN BOARD**  
*Supervisor*  
Johanna M. Coleman

*Councilmembers*  
John M. Abraham, Jr.  
Dawn Gaczewski  
Ronald Ruffino, Sr.  
Matthew Walter

May 10, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086



RE: 5077 Transit Road  
Depew, NY 14043  
Joe Basil Chevrolet Inc.

The above referenced real property commonly known as 5077 Transit Road, Depew, NY has been inspected and is in compliance with the original Special Use Permit. Therefore, I recommend that the Special Use Permit be renewed for this applicant.

If you have any questions in regard to this matter please feel free to contact me.

Very truly yours,

Matt Fischione  
Supervising Code Enforcement Officer

MF:cam

cc: Diane M. Terranova, Town Clerk  
Kevin Loftus, Town Attorney  
Robert Speyer, Applicant



# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475


MEMO

**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**

*Legal Assistant*

**To:** Diane M. Terranova, Town Clerk  
**From:** Kevin E. Loftus, Town Attorney   
**Date:** May 11, 2017  
**Subject:** The Cross Creek Subdivision; Phase 5

Dear Ms. Terranova:

Enclosed please find the Maintenance Bonds for the Street Lights public improvement for the above-referenced subdivision for your records.

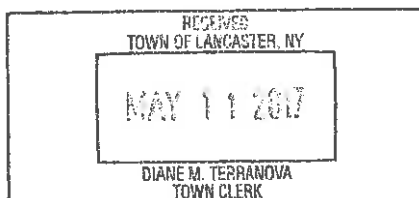
Please prepare a resolution accepting P.I.P. No. 760 (Street Lights) for the next scheduled board meeting.

If there are any questions, please call.

KEL:lb

Enc.

CC: Robert Harris, Town Engineer (w/enc.)







# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086

(716) 684-3342  
Fax: (716) 681-7475

MEMO


**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**

*Legal Assistant*

**To:** Diane M. Terranova, Town Clerk

**From:** Kevin E. Loftus, Town Attorney 

**Date:** May 11, 2017

**Subject:** The Cross Creek Subdivision; Phase 4

Dear Ms. Terranova:

Enclosed please find the Maintenance Bonds for the Street Lights public improvement for the above-referenced subdivision for your records.

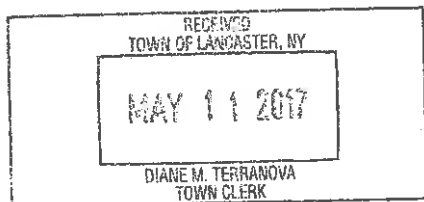
Please prepare a resolution accepting P.I.P. No. 759 (Street Lights) for the next scheduled board meeting.

If there are any questions, please call.

KEL:lb

Enc.

CC: Robert Harris, Town Engineer (w/enc.)





**TOWN OF LANCASTER**  
**HIGHWAY DEPARTMENT**  
 525 PAVEMENT ROAD  
 LANCASTER, NY 14086

**Daniel Amatura**  
**Highway Superintendent**  
**Tel (716)683-3426**  
**Fax (716)685-0271**

**COMMUNICATIONS**

*TC - FOR COMM*  
*OK FOR RES.*

May 9, 2017

Honorable Town Board  
 21 Central Avenue  
 Lancaster, NY 14086

Re: Summer Employees

Dear Honorable Board Members

It would be greatly appreciated if you would sponsor a resolution to appoint the following employee for the 2017 summer season in the Highway Department.

Mr. James Zagarrío

Lancaster, NY 14086  
 Start Date 5/15/17

This employee will be paid at the rate of \$10.00 per hour with no benefits.

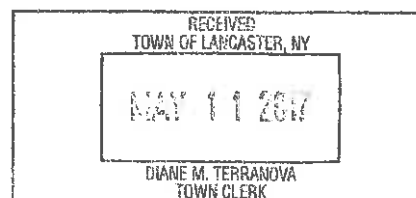
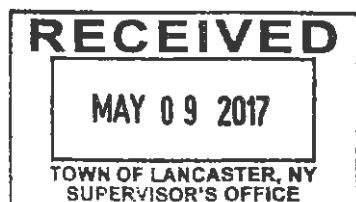
Should you have any questions regarding this subject please do not hesitate to contact me at your convenience.

Sincerely yours,

*[Handwritten Signature]*  
 Daniel Amatura  
 Highway Superintendent  
 Town of Lancaster

DA/kak

Cc: Johanna Coleman, Supervisor  
 Diane Terranova, Town Clerk  
 Morgan Fay, Payroll Supervisor



**SUPERVISOR**  
Johanna M. Coleman

**COUNCIL MEMBERS**

John M. Abraham Jr.  
Dawn Gaczewski  
Ronald Ruffino Sr  
Matthew Walter



Department of Parks,  
Recreation & Forestry

**Park Crew Chief**  
Mark D. Lubera

525 Pavement Road  
Lancaster, NY 14086  
716-684-3320 phone  
716-685-3497 fax

May 10, 2017

Supervisor Johanna Coleman  
and Honorable Council Members  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

TC - FOR COMM  
OK FOR RES.  
(S) 5/10/17

Dear Supervisor Coleman and Honorable Council Members:

I respectfully submit the following individuals for your consideration to be appointed at the May 15, 2017, Town Board meeting to the positions of part-time temporary seasonal employees for the summer of 2017 in the Parks, Recreation & Forestry Department, without benefits.

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE/HR.</u>	<u>EFFECTIVE</u>
Abigail Thompson (new hire) _____ Lancaster	Laborer	\$10.00	May 15, 2017
Mark Stancampiano (new hire) _____ Lancaster	Recreation Attendant (Tennis Instructor)	\$12.00	May 15, 2017

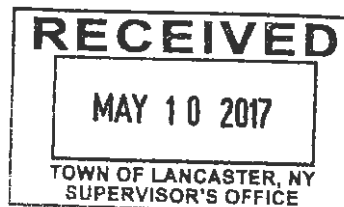
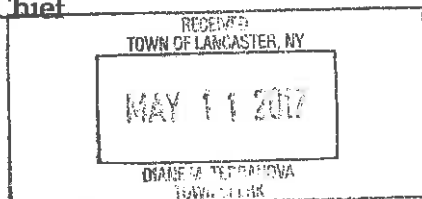
Following your approval or disapproval, we will notify the applicants of your decision. Very often a candidate may decline the appointed position and a future resolution may be necessary to replace these positions.

Thank you for your anticipated cooperation.

Sincerely,

  
Mark D. Lubera  
Park Crew Chief

MDL:jw



# Youth Bureau

May 11, 2017

Ms. Johanna M. Coleman  
Supervisor  
Town of Lancaster  
21 Central Ave.  
Lancaster, NY 14086

TC - FOR Comm  
OK FOR RES.

5/11/17 (JMC)

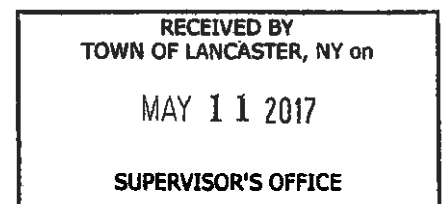
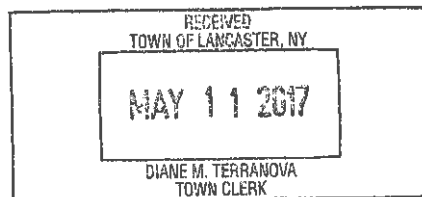
Dear Ms. Coleman and Town Board Members:

I am recommending the following individuals for positions in the Youth Bureau's Special Exam Prep Session effective May 30, 2017 through June 30, 2017.

<u>Name:</u>	<u>Position:</u>	<u>Rate:</u>	<u>Effective Date:</u>
Alexis Mikulski	Tutor	\$15.00 hr. (new hire)	May 30, 2017
Colleen Sterner	Tutor	\$15.00 hr. (new hire)	May 30, 2017

Sincerely,

*John Trojanowsky*  
John Trojanowsky  
Executive Director



339



## MEMORANDUM

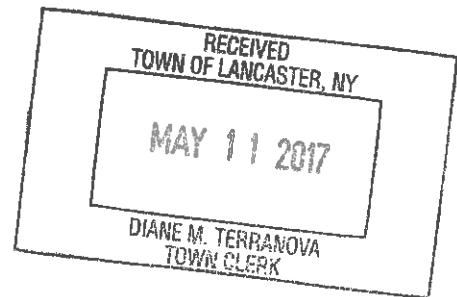
**DATE:** May 11, 2017  
**TO:** Diane Terranova, Town Clerk  
**FROM:** Chief Gerald J. Gill, Jr.  
**SUBJECT:** Articles/Communications

A handwritten signature in cursive script, appearing to read "Gerald J. Gill, Jr.", is written over the "FROM:" line.

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Please place the attached documents on communications.

If there are any questions, please feel free to contact me.



Enclosures

## STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

ELMIRA CORRECTIONAL FACILITY

Correctional Facility

## NOTICE OF RELEASE OF PRISONERS PURSUANT TO CORRECTION LAW 149

NAME			NYSID	04387094N	SEX	M
ALIASES						
CRIME AGGRAVATED DWI:PER SE-1 PRIOR						
DATE OF SENTENCE	07-07-2016	TERM	001-00-00/003-00-00			
COUNTY	ERIE COUNTY COURT	JUDGE				
DATE OF RECEPTION	07-21-2016	DATE OF RELEASE	5-1-17			
RESIDENCE PRIOR TO CONVICTION	[REDACTED] LANCASTER (TOWN), NY 14086					
FUTURE RESIDENCE	[REDACTED] Lancaster, NY 14086					
WILL BE SUBJECT TO PAROLE UNTIL	7-2-19					



DATE OF BIRTH	11-20-1959	
HEIGHT	507	WEIGHT 120
EYES	BLU	HAIR BLN
PLACE OF BIRTH	BATAVIA, NY	
ETHNIC	N	RACE W
SCARS, MARKS AND TATTOOS		

COMMENTS

## Gerald Gill

---

**From:** Marco Laurienzo  
**Sent:** Monday, May 08, 2017 4:42 PM  
**To:** David Oun; Shawn Zaffram  
**Cc:** Gerald Gill  
**Subject:** cmp#17-706671

I was contacted by Irene Gehen regarding cmp#17-706671. Mrs. Gehen ended up off the road in a ditch during a heavy rainfall and states she was very impressed with the Officer's professionalism and compassion. She wanted to extend her thanks for treating her with compassion and understanding when she most needed it.

We always expect our Officers to act in a professional manner but the addition of compassion is appreciated.



# Town Line Volunteer Fire Department, Inc.

6507 Broadway, Lancaster, New York 14086

716.683.0385

April 29, 2017

Chief Gill  
C/O Town of Lancaster Police Department  
525 Pavement Road  
Lancaster, New York 14086

Dear Chief Gill:

The Town Volunteer Fire Department is planning our Annual "Community" Memorial Day Service for Monday May 29. Our plans are to have a parade to the Town Line Lutheran Church from the Town Line Fire Hall. We have a short service there and than return to the Fire Hall for the balance of the service.

We would like to ask your department if they could help with traffic control during the parade at 9:30 A.M. A request has also been sent to the New York State Police and the Erie County Sheriff's Department. It is a holiday and in this way the full burden is not put on just one agency.

In case of bad weather the parade will be cancelled and we will not need your help. If you have any questions or suggestions please feel free to call me at 683-8398.

Sincerely,

*Robert Z Mueller*  
Chairman



# Department of Police



STANLEY D. CARWILE  
Chief of Police



**Village of Depew**  
85 Manitou Street  
Depew, New York 14043-9988  
[www.villageofdepew.org](http://www.villageofdepew.org)  
April 25, 2017



Phone: (716) 683-1123  
Fax: (716) 685-3124

Chief Gerald Gill, Jr.  
Lancaster Police Department  
525 Pavement Rd.  
Lancaster, NY 14086

**Re: PATROL COVERAGE – DEPEW PBA BALL  
May 6, 2017**

Dear Chief Gill:

Again this year I would respectfully request patrol assistance from your department to cover the town portion of our jurisdiction up to Transit Road. As in the past, the shifts to be covered are from 4:00 PM to 12:00 Midnight on May 6, 2017 and from 12:00 Midnight to 8:00 AM through the morning of May 7, 2017.

This department will supply an Officer as the Shift Supervisor.

Please advise this office if you can or cannot assist us so that other arrangements can be made should you be unable to do so.

Thank you,

STANLEY D. CARWILE  
Chief of Police

SDC/mb

**Gerald Gill**

---

**From:** Patronik, Scott <Scott.Patronik@erie.gov>  
**Sent:** Friday, May 05, 2017 3:28 PM  
**To:**

Gerald Gill;

**Cc:**  
**Subject:** National Center for Missing and Exploited Children - 11th Annual Ride for Missing Children

REMINDER: The Law Enforcement Meeting for the 11th Annual Ride for Missing Children will held on Friday, May 12, 2017 from 3:00 p.m.- 4:00 p.m. at the Erie County Fire Training Academy, 3359 Broadway, Cheektowaga NY

We respectfully request you send a (traffic unit) representative from your agency as this ride will be going through your jurisdiction. At the meeting we will be going over the route, details on the ride, and be asking for assistance from your agency to provide traffic control at major intersections identified in your municipality to assist with the safety of the bicyclists.

Please respond to email as to who will be representing your agency (Name, Email Address, and Phone Number).

Thank you - we greatly appreciate your support.

For more info: <http://www.rideformissingchildrenbuffalo.org/>

Scott

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Chief Scott R. Patronik  
Special Services Division  
Erie County Sheriff's Office  
10 Delaware Ave  
Buffalo, NY 14202

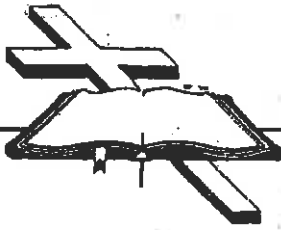
Phone: ( 716) 858-6889  
Fax: (716) 858-6039  
Email: [Scott.Patronik@erie.gov](mailto:Scott.Patronik@erie.gov)  
Web: <http://www.erie.gov/sheriff>

---

This e-mail, including any attachments, may contain highly sensitive and confidential information.

It is intended only for the individual(s) named.

If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.



# Hillview Baptist Church

26 Rehm Road Depew, New York 14043

Rev. Nelson McCall, Pastor  
104 Hanwell, Depew  
716-684-4694

May 5, 2017

Lt. Jeffrey Smith  
Lancaster Town Police  
525 Pavement Road  
Lancaster, New York

Dear Lt. Smith,

Thank you so very much for the great job you did in getting so many officers from the Lancaster police force, as well as family members to attend our Honor the Lancaster Police Department service. It was an honor to have you all with us last Sunday.

An offering of \$177.00 was received which will be sent in the name of your police department to the Tri Community Food Pantry on Monday, May 8th.

Again, thank you for your help with last Sunday and for all your service to us and the community.

Sincerely,

HILLVIEW BAPTIST CHURCH

A handwritten signature in dark ink, appearing to read 'Rev. Nelson McCall', is written over the printed name of the pastor.

Rev. Nelson McCall  
Pastor



# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**  
*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

May 10, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Planning Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Rezone 0 Como Park Blvd  
TDB Properties  
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find email SEQR response from New York State Department of Environmental Conservation dated May 8, 2017 on the above-referenced project for your review.

Should you have any questions or concerns, please call me.

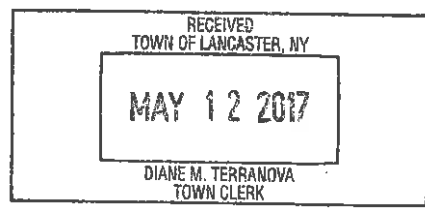
Very truly yours,

*Kevin E. Loftus* / lb  
Kevin E. Loftus, Esq.

Town Attorney  
KEL:lb

Enc.

CC: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer



# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
P: (716) 851-7165 | F: (716) 851-7168  
[www.dec.ny.gov](http://www.dec.ny.gov)

May 8, 2017

Mr. Kevin Loftus, Town Attorney  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Dear Mr. Loftus:

**SEQR Lead Agency Designation**  
Como Park Townhouse Development  
Town of Lancaster, Erie County

This is to acknowledge receipt of your April 10, 2017, notice which requested State Environmental Quality Review Act (SEQRA) Lead Agency status for the proposed construction of a six-unit townhouse development on Como Park Boulevard. This office has reviewed the notice, enclosed Environmental Assessment Form (EAF), and supporting documentation. The Department concurs that Town of Lancaster should act as SEQR Lead Agency. However, please be advised of the following:

1. If project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-15-002, as well as the NOI form, is available on the Department's website at [www.dec.ny.gov/chemical/43133.html](http://www.dec.ny.gov/chemical/43133.html). Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at [www.dec.ny.gov/chemical/8468.html](http://www.dec.ny.gov/chemical/8468.html).

The Town of Lancaster is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

2. The project site is located in an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) website at



Department of  
Environmental  
Conservation

Ms. Kevin Loftus  
May 8, 2017  
Page 2

<https://cris.parks.ny.gov/>. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643).

3. It is anticipated that "green" building measures (to conserve energy) will be incorporated, as much as possible, into the design of the proposed building. This Department certainly strongly encourages and recommends such green design.
4. According to the US Fish & Wildlife Service National Wetlands Inventory, federal wetlands may be located on the project site. Note that the United States Department of the Army, Corps of Engineers (USACE) has authority under federal law to regulate wetlands in New York State. A USACE permit may be required for this proposal. The project sponsor should contact the USACE (1776 Niagara Street, Buffalo, New York 14207, telephone: 716/879-4330) as early as possible in the planning process to determine if the project will involve federally regulated wetlands.

If you have any questions, please feel free to contact Ms. Michelle Woznick or me at 716/851-7165.

Sincerely,



David S. Denk  
Regional Permit Administrator

MRW

cc: Mr. David Kulbacki, TDB Properties, LLC



# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**

*Legal Assistant*

May 11, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Planning Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Upstate Tower Co, LLC #1602  
William-Bowen BUF-653  
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response from the Erie County Department of Environment and Planning dated May 9, 2017 on the above-referenced project for your review.

Should you have any questions or concerns, please call me.

Very truly yours,

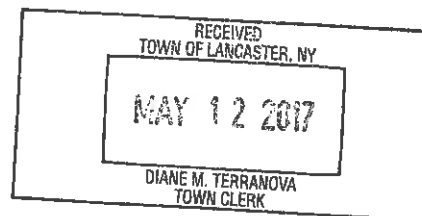
Kevin E. Loftus, Esq.

Town Attorney

KEL:lb

Enc.

CC: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer



# SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.:

Received:

SP-17-252  
4/20/17

**RECEIVED**  
TOWN OF LANCASTER, NY  
MAY 11 2017

The proposed action described herein is referred to in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

## Description of Proposed Action

TOWN ATTORNEY

<b>1. Name of Municipality:</b>	Town of Lancaster		
<b>2. Hearing Schedule:</b>	Date <u>5/15/2017</u>	Time <u>7:00pm</u>	Location <u>21 Central Avenue, Lancaster</u>
<b>3. Action is before:</b>	<input checked="" type="checkbox"/> Legislative Body	<input type="checkbox"/> Board of Appeals	<input type="checkbox"/> Planning Board
<b>4. Action consists of:</b>	<input type="checkbox"/> New Ordinance	<input type="checkbox"/> Rezone/Map Change	<input type="checkbox"/> Ordinance Amendment
	<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Variance	<input type="checkbox"/> Special Use Permit
			<input type="checkbox"/> Other
<b>5. Location of Property:</b>	<input type="checkbox"/> Entire Municipality	<input checked="" type="checkbox"/> Specific as follows	<u>5393 William Street</u>
			<u>Lancaster, New York 14086</u>
<b>6. Referral required as Site is within 500' of:</b>	<input type="checkbox"/> State or County Property/Institution	<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> Farm Operation located in an Agricultural District
	<input checked="" type="checkbox"/> County Road	<input type="checkbox"/> State Highway	<input type="checkbox"/> Proposed State or County Road, Property, Building/Institution, Drainageway
<b>7. Proposed change or use: (be specific)</b>	<u>Up State Tower, Co., LLC to Construct &amp; Operate 160' Tower &amp; Associated Telecommunications Equipment</u>		
<b>8. Other remarks: (ID#, SBL#, etc.)</b>	<u>SBL# 116.19-1-1</u>		
<b>9. Submitted by:</b>	<u>Kevin E. Loftus, Town Attorney</u>	<u>4/11/2017</u>	
<u>21 Central Avenue, Lancaster, New York 14086</u>			

## Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 4/25/17. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Form ZR-3, Comment on Proposed Action is attached hereto.
3. ☐ The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. ☒ No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning:



Date:

5/9/17





# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

May 11, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Planning Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Site Plan 5680 Broadway Street #1143  
Conversion of non-conforming Units  
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response dated May 9, 2017 from the Erie County Department of Environment and Planning on the above-referenced project for your review.

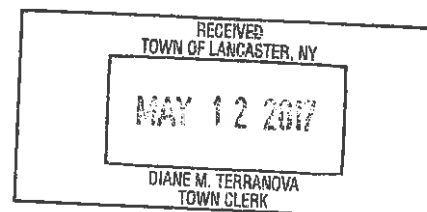
Should you have any questions or concerns, please call me.

Very truly yours,

Kevin E. Loftus, Esq.  
Town Attorney  
KEL:lb

Enc.

CC: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer



**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY  
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to  
Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.  
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.:

Received:

RECEIVED

TOWN OF LANCASTER, N.Y.

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no  
reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action  
without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

TOWN ATTORNEY

**Description of Proposed Action**

<b>1. Name of Municipality:</b>	<u>Town of Lancaster</u>		
<b>2. Hearing Schedule:</b>	<b>Date</b> <u>6/19/2017</u>	<b>Time</b> <u>7:00pm</u>	<b>Location</b> <u>21 Central Avenue, Lancaster</u>
<b>3. Action is before:</b>	<input checked="" type="checkbox"/> Legislative Body	<input type="checkbox"/> Board of Appeals	<input type="checkbox"/> Planning Board
<b>4. Action consists of:</b>	<input type="checkbox"/> New Ordinance	<input type="checkbox"/> Rezone/Map Change	<input type="checkbox"/> Ordinance Amendment
	<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Variance	<input type="checkbox"/> Special Use Permit
			<input type="checkbox"/> Other
<b>5. Location of Property:</b>	<input type="checkbox"/> Entire Municipality	<input checked="" type="checkbox"/> Specific as follows	<u>5680 Broadway, Lancaster, NY</u>
<b>6. Referral required as Site is within 500' of:</b>	<input type="checkbox"/> State or County Property/Institution	<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> Farm Operation located in an Agricultural District
	<input type="checkbox"/> Expressway	<input type="checkbox"/> County Road	<input type="checkbox"/> Proposed State or County Road, Property, Building/Institution, Drainageway
<b>7. Proposed change or use: (be specific)</b>	<u>Conversion of 2 Non-Conforming Multiple Dwellings</u>		
<b>8. Other remarks: (ID#, SBL#, etc.)</b>	<u>SBL# 116.05-1-3</u>		
<b>9. Submitted by:</b>	<u>Kevin E. Loftus, Esq. Town Attorney</u>	<u>5/5/2017</u>	
<u>21 Central Avenue, Lancaster, New York 14086</u>			

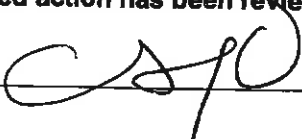
**Reply to Municipality by Erie County Division of Planning**

Receipt of the above-described proposed action is acknowledged on 5/9/17. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Form ZR-3, Comment on Proposed Action is attached hereto.
3. ☐ The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. ☒ No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning:

Date:



5/9/17



# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*

May 11, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Planning Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086


RE: Rezone 0 Como Park Blvd  
TDB Properties  
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

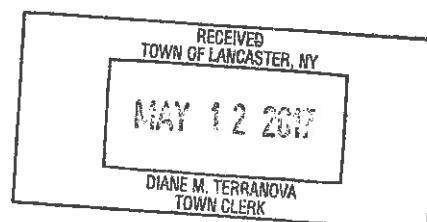
Enclosed please find a SEQR response from Erie County Department of Environment and Planning dated May 9, 2017 on the above-referenced project for your review.

Should you have any questions or concerns, please call me.

Very truly yours,

  
Kevin E. Loftus, Esq.  
Town Attorney  
KEL:lb  
Enc.

CC: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer



**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY  
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to  
Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.  
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: 22-17-249

Received: 4/10/17

RECEIVED

TOWN OF LANCASTER, N.Y.

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

TOWN ATTORNEY

**Description of Proposed Action**

1. Name of Municipality: Town of Lancaster

2. Hearing Schedule: **Date** 5/15/2017 **Time** 7:15 **Location** 21 Central Avenue, Lancaster

3. Action is before: ☒ Legislative Body ☐ Board of Appeals ☐ Planning Board

4. Action consists of: ☐ New Ordinance ☒ Rezone/Map Change ☐ Ordinance Amendment

☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other

5. Location of Property: ☐ Entire Municipality ☒ Specific as follows 0 Como Park Blvd

Lancaster, NY 14086

6. Referral required as Site is within 500' of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District

☐ Expressway ☐ County Road ☒ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: (be specific) Residential-2 to Multi-Family Residential District 3

8. Other remarks: (ID#, SBL#, etc.) SBL# 115.01-2-13, 115.10-1-1, 115.10-1-2, 115.01-1-3 & 115.01-2.2-13

9. Submitted by: Kevin E. Loftus, Town Attorney 4/10/2017

21 Central Avenue, Lancaster, New York 14086

**Reply to Municipality by Erie County Division of Planning**

Receipt of the above-described proposed action is acknowledged on 4/13/17. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☒ ~~Form ZR-2~~, Comment on Proposed Action is attached hereto.
3. ☐ The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. ☒ No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: [Signature]

Date: [Signature]

5/9/17



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 27, 2017

Diane M. Terranova  
Lancaster Town Clerk  
21 Central Avenue  
Lancaster, NY 14086

Re: Amended Rezone Petition  
0 Como Lake Road, Lancaster NY  
County Referral # ZR-17-225

Dear Ms. Terranova:

Pursuant to New York General Municipal Law Section 239-m, and Article 8 of the New York Conservation Law, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us by the Town of Lancaster (the "Town") on March 27, 2017.

The County offers the following comments based upon its review of the Project:

- The Erie County Department of Environment and Planning has serious concerns about the project's location and site wetlands. The Town and developer should closely analyze the impact of the proposed project on this significant environmental feature that cannot be completely replaced, and consider alternatives to minimize impacts.
- Division of Sewerage Management comments on this project are attached.

Please feel free to contact me at (716) 858-1916 should you have any questions.

Sincerely,

Mariely Ann Ortiz  
Planner | Environment & Planning | Erie County  
P:(716) 858-8390 | F:(716) 858-7248 | Mariely.Ortiz@erie.gov

Copy/Reiteration



# Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**KEVIN E. LOFTUS, JR.**

*Town Attorney*  
kloftus@lancasterny.gov

**Leza E. Braun**

*Legal Assistant*

May 11, 2017

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Planning Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Deep South Taco #1748  
Modification to 6727 Transit Road  
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find SEQR responses dated May 9, 2017 from the Erie County Department of Environment and Planning and the Division of Sewerage Management respectively, on the above-referenced project for your review.

Should you have any questions or concerns, please call me.

Very truly yours,

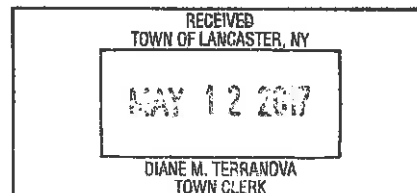
Kevin E. Loftus, Esq.

Town Attorney

KEL:lb

Enc.

CC: Supervisor  
Town Clerk  
Building Inspector  
Town Engineer



**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY  
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.:

SP-17-270

Received:

5/5/17

RECEIVED

TOWN OF LANCASTER, N.Y.

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

TOWN ATTORNEY

**Description of Proposed Action**

1. Name of Municipality: Town of Lancaster

2. Hearing Schedule:      Date 6/5/2017      Time 7:00pm      Location 21 Central Avenue, Lancaster

3. Action is before:      ☒ Legislative Body      ☐ Board of Appeals      ☐ Planning Board

4. Action consists of:      ☐ New Ordinance      ☐ Rezone/Map Change      ☐ Ordinance Amendment

☒ Site Plan      ☐ Variance      ☐ Special Use Permit      ☐ Other

5. Location of Property:      ☐ Entire Municipality      ☒ Specific as follows      6727 Transit Road

Lancaster, NY 14086

6. Referral required as Site is within 500' of:      ☐ State or County Property/Institution      ☐ Municipal Boundary      ☐ Farm Operation located in an Agricultural District

☐ Expressway      ☐ County Road      ☒ State Highway      ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: (be specific)      Deep South Taco minor modifications to existing restaurant

8. Other remarks: (ID#, SBL#, etc.)      SBL#82.03-1-63

9. Submitted by:      Kevin E. Loftus, Esq. Town Attorney      05/04/2017

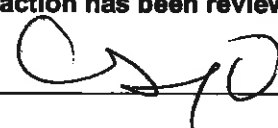
21 Central Avenue, Lancaster, New York 14086

**Reply to Municipality by Erie County Division of Planning**

Receipt of the above-described proposed action is acknowledged on 5/9/17. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Form ZR-3, Comment on Proposed Action is attached hereto.
3. ☐ The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. ☒ No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning:



Date:

5/9/17

## **Ortiz, Mariely**

---

**From:** Ruffino, Peter  
**Sent:** Tuesday, May 09, 2017 9:19 AM  
**To:** Ortiz, Mariely  
**Subject:** Deep South Taco (6727 Transit Road)

The DSM has reviewed the above noted project and has the following comments:

- 1.) The project is located in Erie County Sewer District No. 4 (ECSD #4), Town of Lancaster. Flow from this project is tributary to the ECSD #4 Sanitary Sewer System, and eventually to the Buffalo Sewer Authority Treatment Facility.
- 2.) Sanitary sewer design shall be in accordance with Erie County Sewer District Rules, Regulations, and Design Requirements.
- 3.) A Grease Oil Separator may be required.
- 4.) DSM approval of the building sewer lateral is required.
- 5.) The Design Engineer is encouraged to discuss preliminary sanitary sewer plans in advance of final sewer design.

The above comments do not constitute DSM approval or disapproval of this project. Should you have any questions or need further information, please e-mail or call me at ext. 8663.

Thanks.

--  
**Peter Ruffino** | Assistant Sanitary Engineer  
Erie County | Div. of Sewerage Management  
95 Franklin St., Room 1050 | Buffalo, NY 14202  
P:+1(716)858-8663 | F:+1(716)858-6257  
[Peter.Ruffino@erie.gov](mailto:Peter.Ruffino@erie.gov) | <http://www.erie.gov>